

of course. It is a right which can not be denied. But still I took the precaution to notify my associates on the committee of that fact.

I think it is a very remarkable measure, to be got up in the manner in which it has been prepared. I regretted that there was any necessity for it. I thought it would serve the purpose in the early organization of this Territory if we were to continue in force the code of Oregon, which they have, because they have all the decisions of the courts construing its various provisions, and there would be less trouble in the end than to start anew and have new courts and new decisions upon these questions. But still the Senate saw fit to take another course, and I bowed as gracefully as I could, and I have performed my duty in connection therewith as I thought was necessary. I think the bill is possibly in as good shape as we can have it. Still I am not adverse to seeing it undergo the scrutiny of the Judiciary Committee, because it is a very important matter indeed.

Mr. SHOUP. I will ask the Senator from Tennessee whether he does not consider, with all deference to the members of the Judiciary Committee, that he and a number of other lawyers on the Committee on Territories, who have had this bill under their scrutiny, are as capable as the members of the Judiciary Committee of determining everything in a legal way as to the force and effect and application of the laws and rules to govern those people?

Mr. BATE. I think it is very full and ample and very accurate, so far as I am able to judge. Still, I yield my opinion to those who have been selected by the Senate as the head of its lawyers to constitute the Judiciary Committee. I would certainly submit gracefully to anything they would say; and if there is any doubt about it, or if any Senator desires the bill to go there, I will vote for its reference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The reading of the bill will be resumed.

The reading of the bill was resumed and continued to the end of section 303, on page 156.

Mr. BATE. Mr. President, I see that it is nearly half past 11 o'clock, and we have gone over one hundred and fifty-odd pages of the bill to-night. It is very fine work, I think, sir; and if it is agreeable to the chairman of the committee, I move that the Senate adjourn.

Mr. SHOUP. I concur in the motion made by the senior Senator from Tennessee.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 9, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 8, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

The SPEAKER. The gentleman from New York calls up the disagreement of the Senate to the House amendment to the Senate bill 2354.

Mr. SHERMAN. I move, Mr. Speaker, that the House insist upon its amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2354) to enlarge the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Mr. SHERMAN. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, until Monday, on account of important business.

CURRENCY BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to give notice that I shall call up for consideration the currency bill, that is agreed upon by the conferees of the two Houses, on next Tuesday; and I ask unanimous consent that the debate had upon the report begin immediately after the reading of the Journal and close at 4.30 o'clock the same day, at which time a vote may be had.

The SPEAKER. The gentleman from Indiana gives notice that he will call up the House bill No. 1, known as the finance bill, that the conferees have agreed upon, on Tuesday next, debate to begin immediately after the approval of the Journal, and a vote thereon to be taken at 4.30 o'clock. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADDITIONAL URGENT DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery, at Arlington, Va.

S. 282. An act extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3186. An act granting a pension to Margaretha Lippert;

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia;

S. 1402. An act for the erection of a public building at Natchez, Miss.;

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries;

S. 3105. An act for the relief of the mother of William R. McAdam;

S. 1319. An act granting an increase of pension to Annie E. Joseph;

S. 2583. An act for enlarging the public building at Dallas, Tex.;

S. 289. An act granting a pension to John B. Turchin;

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington;

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians;

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.;

S. 817. An act granting an increase of pension to Julia A. Taylor;

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city;

S. 995. An act granting an increase of pension to Nelly Young Egbert, widow of Harry Clay Egbert, late colonel of United States Army;

S. 2311. An act for the relief of Mrs. Ella M. Shell; and

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 2637. An act granting an increase of pension to Albert Hammer;

H. J. Res. 119. Joint resolution to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899; and

H. R. 6767. An act to grant an American register to the steamer *Windward*.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ALFRED C. HAMMER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.
Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And, in compliance with the foregoing, the President pro tempore had appointed as said committee Mr. PENROSE, Mr. MASON, Mr. HANSBROUGH, Mr. SULLIVAN, and Mr. SCOTT.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia—to the Committee on Public Buildings and Grounds.

S. 1402. An act for the erection of a public building at Natchez, Miss.—to the Committee on Public Buildings and Grounds.

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries—to the Committee on Foreign Affairs.

S. 3105. An act for the relief of the mother of William R. McAdam—to the Committee on Interstate and Foreign Commerce.

S. 1319. An act granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 2583. An act for enlarging the public building at Dallas, Tex.—to the Committee on Public Buildings and Grounds.

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians—to the Committee on Indian Affairs.

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims.

S. 817. An act granting an increase of pension to Julia A. Taylor—to the Committee on Invalid Pensions.

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city—to the Committee on Military Affairs.

S. 2311. An act for the relief of Mrs. Ella M. Shell—to the Committee on Claims.

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 28:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled, "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed—

to the Committee on Printing.

S. 2880. An act granting an increase of pension to Caroline B. Bradford—to the Committee on Invalid Pensions.

S. 2510. An act granting an increase of pension to Caroline C. Townsend—to the Committee on Invalid Pensions.

S. 207. An act granting an increase of pension to Margaret E. Van Horn—to the Committee on Invalid Pensions.

S. 135. An act granting an increase of pension to Frances C. De Russey—to the Committee on Invalid Pensions.

S. 1787. An act granting an increase of pension to Joseph P. Pope—to the Committee on Invalid Pensions.

S. 2636. An act granting an increase of pension to Mary E. Law—to the Committee on Invalid Pensions.

S. 1066. An act granting an increase of pension to Margaret B. Shipp—to the Committee on Pensions.

S. 2497. An act granting an increase of pension to Sarah W. Rowell—to the Committee on Pensions.

S. 2652. An act granting an increase of pension to Louisa E. Baylor—to the Committee on Invalid Pensions.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the

President had approved and signed joint resolution of the following title:

On March 8, 1900:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

CONTESTED-ELECTION CASE—ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I call up the contested-election case of Aldrich against Robbins, and yield an hour to the gentleman from Michigan [Mr. HAMILTON].

Mr. BARTLETT. Mr. Speaker, before my colleague on the committee proceeds, I desire to ask the gentleman from Illinois a question. It is understood that the time now remaining is to be equally divided between the two sides.

Mr. MANN. It is understood that the time now remaining shall be equally divided between the two sides.

Mr. BARTLETT. Mr. Speaker, I ask the gentleman if he has succeeded in making the arrangement I suggested?

Mr. MANN. I have not yet succeeded in making the arrangement suggested.

The SPEAKER. Unanimous consent is asked by the gentleman from Georgia and the gentleman from Illinois that the time remaining shall be equally divided between the two sides. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Speaker, the Fourth Congressional district of Alabama is composed of six counties, namely, the counties of Cleburne, Calhoun, Talladega, Shelby, Chilton, and Dallas. Of these the first five named counties are the so-called white counties, and the county of Dallas lies in the so-called black belt of Alabama.

Mr. Aldrich, the contestant, came down through the white counties to Dallas County with a majority of 816. There is no contest except as to Dallas County.

By the census of 1890 Dallas County is shown to have a total voting population of 10,677, of whom 8,531 are colored voters and 2,146 are white voters; and yet out of a total voting population of 10,677 only 2,830 votes in all were cast in the last election.

On the argument of this case before the committee complaint was made, which has been renewed here on the floor of the House, because it was said the so-called colored vote had been suppressed. That is, it was said that word was sent out by the Aldrich managers to the colored voters requesting them not to go to the polls and not to vote, and it is quite clear that this is true, and it is as equally obvious that the colored voters did not go to the polls and did not vote to any large extent in the last election in Dallas County. That a mere request like this should have been observed, whereby almost the total voting population of Dallas County voluntarily disfranchised itself, on the request of the Republican managers, is conclusive evidence that the home-staying vote in Dallas County was a Republican vote, and the most casual investigation of conditions as shown not only in this case but in the two other contested-election cases preceding this from this same district reveals the reason why the colored voters did not go to the polls and did not attempt to vote.

Sir, this contest and others from the South grow out of conditions there, and are practically inevitable so long as these conditions continue to exist. The first difficulty is the ingrained opposition to what is known as negro domination there. The next difficulty is the ignorant and illiterate condition of the colored people of the South, which makes them fit and easy material out of which almost any kind of returns may be manufactured or evolved at will.

Now, sir, I am not prejudiced. The committee to which I have the honor to belong would be ill qualified to perform the arduous duties devolving upon it if its members approached the consideration of these questions in a partisan spirit.

Neither is there any longer any sectional feeling. The sectional feeling that smoldered in the ashes of the civil war has been smothered and quite put out forever.

We are all fellow-citizens of one common country, stretching 3,000 miles from the Atlantic to the Pacific, and some 7,000 miles beyond; 1,000 miles from the Lakes to the Gulf, with some outlying territory in the arctic regions and in the Atlantic Ocean; united now, at least as to the United States, under one written Constitution, symbolized by one flag, known and respected the world over as the Stars and Stripes. [Applause.] Under that flag now there are people of all classes, colors, and conditions, from the frozen north to the tropic zone. And, sir, the time has come, in my opinion, when the white American citizen must rise to the full measure and stature of his responsibility to his weaker brethren. No matter how much we may resort to sophistry to convince ourselves and others to the contrary, we are our brother's keepers.

Long ago, at creation's first dawn, while yet the cherubim with flaming swords stood guard at the gates of deserted Eden, and man had just begun to eat his bread in the sweat of his face and the first murder had been done, the question was asked, "Am I

my brother's keeper?" Modern civilization is answering that question emphatically in the affirmative. We are our brother's keepers. And when men fail to respond to their duty in this behalf they must inevitably suffer in the long run by reflex action upon themselves for such failure.

Like mercy, which is twice blessed, blessing him that gives and him that receives, so oppression is twice hurtful, hurting him that oppresses and him that is oppressed.

You Southern gentlemen are genial, manly men. You are talented, high-souled gentlemen. I have many warm friends among you. But, my friends, in your dealings with this election problem growing out of this race problem you are like the man who stacks the cards on the man who does not even know how to play the game. [Laughter on the Republican side.]

This case of Aldrich against Robbins or any other election case growing out of similar conditions sinks into insignificance when compared with the tremendous race problem out of which these contests grow. Many books have been written, many treatises have been published, many orators have made many speeches over this question, but few I think, have, approached a solution of it. I am one of those who believe that the colored man in the South must and that he will, in the fullness of time, work out his own salvation and his own solution of this problem. But in the meantime I insist that it is not only the duty of the white man not to put obstacles in his way, but that it is the white man's affirmative duty to help him upward and onward. Who will say that the colored man has not advanced as rapidly from his original condition as any race in all time—who will say he lacks courage or patriotism?

Since San Juan hill some white gentlemen have capitalized their glory, some gentlemen have permitted themselves to be inducted into political office, and the whole world has applauded American nerve, American pluck, and American manhood.

But let it not be forgotten that when the white Regulars and the Rough Riders marched up the hill that led to death and glory the black Regulars were there also side by side with them, every step of the way, fighting with the steadiness and precision of machines and the courage and discretion of American citizens.

Sir, I say that a man who is man enough to fight like that is man enough to vote in the elections of the country for which he fights [applause on the Republican side] and to have his vote counted. They are permitted often to go through the farce of a vote, but they are frequently counted out.

Meanwhile let education go on with accelerated vigor; but education alone will not solve this problem, although it will go far. The knowledge of arithmetic, the ability to count is of little real value to the man who uses it to count dishonestly, to count somebody out, be he black or white.

There must not only be education but there ought to be moral and industrial education as well. Moral education, so that the colored man will esteem his privilege as an American citizen and not sell it out on election day, as he too frequently does; industrial education which will enable him to take care of himself and family and not be constantly in debt and in a condition of financial subervency, so that when election day comes around in the South a nod here and a suggestion there will control his vote.

Some days ago on the train coming through from the West an intelligent Southern gentleman was telling how a bright young negro had hired out for a term of three months at \$15 a month. The term of service having expired, he went in to settle up. His employer being absent, he was paid, by mistake, for two months instead of three. He went away puzzled and disappointed, because he had expected to get married on the proceeds of his work, and the amount of his pile seemed inadequate to the contemplated enterprise. But he could not figure, and he gave it up. Shortly afterwards his employer returned and, learning of the mistake, called him in and paid him the balance. Jim took the money gratefully and then said: "Look yer, Boss; I dun thought the' was some kind of disfigurin' roun' heah somewhere, but I didn't know jus' wha' it was."

So it is on election day with the colored man in the South. He knows there is some kind of "disfiguring around somewhere," but he does not know just where it is; he only knows that, by some sort of subtle, occult transmutation in and about the ballot box, his vote for Richard Roe is transformed into a vote for John Doe or is not counted at all, and he does not know just how except that he did not intend to vote that way. The illiterate colored man who can not mark his own vote is at the mercy of the unscrupulous marker.

"PIG TRACKING."

On the argument of this case before the committee amusing comment was made upon what was called "pig tracking" of witnesses. Now, this term "pig tracking" is a peculiar kind of hog Latin [laughter], or law Latin, or at least it is a Southern law phrase, to describe witnesses who follow each other so closely in their testimony as to arouse the suspicion that they have been "horse shedded"—that is our Northern expression.

Well, sir, these witnesses who were accused of "pig tracking" remind me of a story that an old justice of the peace up in my country used to tell about himself and an old sow of the third-row breed that could eat corn out of a jug, and was so thin that she could hardly cast a shadow. He said he had turned her out in the meadow. It was August, and the pasture was parched and brown and forage was scarce. Missing her from time to time at the trough, his suspicions were aroused. Adjoining the meadow was a cornfield, separated from it by a rail fence built in the old-fashioned way, with logs for the bottom rails. On investigation he found that the sow had discovered a hollow log, and that by passing through the length of it she could come out in the land of corn and plenty.

In a spirit of psychological research he turned the log so that both ends were in the meadow, and, hiding himself, he awaited results. The sow came up and, as she had done many times before, dove into the log, in full expectation of corn beyond, and came out still in the meadow. This had never occurred before in her experience. Sorely perplexed and disappointed, she tried it again and again, until, worn out with futile effort, she abandoned the enterprise. Something was wrong with the combination. The "open sesame" had failed to work.

So, by "disfiguring" and turning the log, election boards in the South have so contrived that the illiterate voter knows he can no longer express his will at the polls.

That, my friends, is why, with a voting population of 10,677 in Dallas County, only 2,830 votes were cast at the last election. Do you tell me there was fairness there? Why, my friends on the other side, you know perfectly well that there is no fairness there; you know perfectly well that the colored man is not permitted to register his will. And, with all due deference to you, it is a farce to come up here and claim that it is so. It is not true.

Now, what is the nature of the "disfiguring" and turning the log in Dallas County? Before passing to specific instances, permit me to call attention to the election law applicable to this case.

REGISTRATION.

First, as to registration, the law prescribes that the governor shall appoint a registrar of elections in each county and assistant registrars of elections in each precinct of each county, whose business it is to register electors. The law further prescribes that there shall be a period of registration extending from the first Monday in May for eighteen consecutive days, Sundays excepted, except that in cities of 10,000 inhabitants or more the period of registration is thirty consecutive days, Sundays excepted. Further, the constitution of the State of Alabama, Section 5, Article 8, prescribes that "no person shall vote at any election unless he shall have registered as required by law."

Pursuant to this constitutional provision paragraph 1620 of the Alabama election law was passed. It prescribes that "the elector must have registered as provided in this chapter, and if any elector attempts to vote without having registered for that election, his vote must be rejected." McCrary, in paragraph 330 of his work on Election Law, says, "When the law does not permit any person to vote unless his name is on the register, the provision is mandatory." So much as to registration.

INSPECTORS, CLERKS, AND MARKERS.

The election machinery of Alabama is put in motion by an appointing board composed of the judge of probate, the county clerk, and the sheriff of each county.

It is the duty of this appointing board, at least thirty days before election, to appoint three inspectors of election for each precinct, two of whom shall be from opposing political parties if practicable.

It is the duty of the inspectors so appointed, before the opening of the polls, to appoint two markers from opposing political parties, whose business it is to mark the ballots of illiterate and physically disabled electors for them. It is the further duty of the inspectors, before the opening of the polls, to appoint two persons to act as clerks.

Now, it is evident that a marker is an important person in an illiterate community. And when a marker is appointed without regard to law, without regard to its requirement as to selection from opposing political parties, and when the marker so appointed is ignorant, incompetent, and corrupt, and is well known to the voters to be so—is well known to be a man on whom they can not rely, not only by reason of his personal character, but by reason of former experience with him acting in the capacity of marker—then voters have just ground for believing that fraud was intended from the outset, intended by the appointing board when it appointed partisan and dishonest inspectors, and intended by inspectors when they appointed incompetent and corrupt markers and clerks. And so believing, and being so justified in believing, there is nothing left for the illiterate voter to do but to stay away from the polls on election day, so that his vote may not swell the aggregate of material out of which corrupt election officials may make dishonest returns.

THE BALLOT.

Now, as to the ballot. The law provides that the judge of probate of each county shall cause the ballots to be printed in a form prescribed by law, and this ballot must be printed in books or blocks and provided for each precinct where the election is to be held. This ballot is known as the "official ballot," and the law prescribes that the ballot so provided is the "legal ballot," and that "no ballot shall be received or counted in any election to which the act applies except it be provided as herein prescribed."

Now, Mr. Speaker, it will be seen that a legal ballot is prescribed under the laws of Alabama. It must have a legal origin and a legal career, and must come legally into the hands of inspectors, and must be legally given by inspectors into the hands of voters. No other ballot is lawful in that State.

VOTING.

Now, as to voting this ballot. The law prescribes that "no person except officials and voters admitted to vote shall be permitted to approach within 50 feet of the doors or windows of polling places." This is provided in sections 25 and 28 of the Alabama election law.

Ballots must be given to the voters by the inspector. (Section 32.)

No ballot can be carried away from the polling places. (Section 40.)

It is unlawful to print copies of ballots or to have copies in possession. (Section 43.)

Forgery of the initials of inspectors upon ballot stubs is a crime under the law of Alabama. (Section 17.)

And, finally, no vote shall be received or counted unless it be provided as prescribed by law. (Section 14.)

FRAUD AND NEGLIGENCE.

Now, gentlemen, a word as to fraud. It is a well-established principle of law that fraud destroys and vitiates the value of returns as evidence. Fraud does not necessarily invalidate the legal vote, but by destroying the presumption of the correctness of returns it makes it necessary that any person claiming the benefit of votes must prove them, and when the conduct of an election or the return of a vote is so tainted with fraud that the truth can not be deduced from the returns, the returns must be set aside. This is the plain statement of law, which I take it no one present will dispute.

Further, when the incompetency, inefficiency, and reckless disregard of the essential requirements of the law prevail to such an extent that the acts of the officers must be deemed unreliable, this will of necessity have the same effect as fraud and be ground for rejecting returns. This, also, is well-established law.

SELMA, NO. 36.

Now, gentlemen, bearing in mind these principles of law, I propose to call your attention to the conditions that existed in Selma precinct, No. 36—the largest precinct in Dallas County, and upon which, to a great extent, the result of this election hinges. In this connection let me say that, so far as I am concerned, I would not allow my vote or voice to be influenced by any personal consideration or feeling I might have toward contesting parties. Unless I believed that the man who comes here with a contest ought to be seated, I would not vote to seat him. Unless I believed conscientiously that a man whose seat is contested ought to be unseated, I would not give my assent to any such action, notwithstanding the little pungent newspaper paragraphs by a singular coincidence appearing from day to day in certain papers here, framed in the interest of contestees and reflecting upon the judicial fairness of election committees, and the flippant manner of treating these cases which sometimes appears in debate upon this floor. I consider the rendition of judgment in these cases a high and important matter of duty and of obligation.

Members on this floor have talked about cases being decided on "political grounds." There is behind our service on this Election Committee a solemn duty which we owe not only to the constituents of contending parties but to the people of the whole country in investigating cases of this kind.

Mr. Speaker, when a man contests for a seat here he ought not to be accepted as a member of this body unless the evidence is conclusive to the minds and the consciences of the members, and I would not give my vote or my voice in support of the contention of a contestant unless I believed, honestly and conscientiously, that the claimant had a right which we had no right to ignore.

It is not a question of political friendship or one of partisan consideration. It is a high duty which we owe to the people and to ourselves. I consider it a matter of personal honor to which I feel bound to give my best consideration. It is a matter of personal honor affecting the committee, too; and I am unwilling to submit quietly to even a suggestion that the committee of which I have the honor to be a member would, under any circumstances, be willing to give a decision on a case of this kind for partisan reasons or purposes. There is no such sentiment in the commit-

tee to which I have the honor to belong. We have had under consideration in this and the last Congress seven cases, I think. I ask my colleague, the gentleman from Illinois [Mr. MANN], how many cases have been pending before the committee?

Mr. MANN. There were seven cases before the committee.

Mr. HAMILTON. Seven cases, and we have reported in favor of the sitting Democratic member in every case except one in the last House and one in this.

I want it understood, gentlemen, that Elections Committee No. 1 does not report in favor of unseating a man unless it believes that he ought to be unseated. That is the way I feel about it. I say this is too big a question to be tampered with flippantly on the floor of this House. Elections Committee No. 1 sits judiciously on these questions. They do not fritter away the fight of a man's life.

To occupy a seat in this body may have been the ambition of a man's lifetime.

When he comes here, before very long he may find that it is hardly worth while. There is tinsel and show and hollowness and heartache and disappointment enough about it all, and every man is largely for himself. It is a passing show in many respects, and Congressmen, as Bryce says, disappear like snowflakes on a river. Withal, of course, there is great and serious work to do.

But when a man has made his fight and is here contending for his rights, nothing short of the best and most serious thought, consideration, and judgment is due him. I will not consent that a breath of imputation of carelessness shall touch Elections Committee No. 1, and when such suggestion comes from a member of the minority of this committee I am reminded of a saying of a certain French philosopher, that "Confidence in other men's virtues is no slight evidence of a man's own."

Now, as to precinct No. 36, I have stated to you that there must be fraud or negligence of election officials sufficient to satisfy the committee that there is reason to overturn the returns of that precinct before those returns can be thrown out and proof be accepted aliunde.

EVIDENCE AFFECTING RETURNS.

As to Selma precinct, No. 36. First, the evidence shows to the satisfaction of the majority of this committee that about 80 persons appear to have voted who were not registered.

When the law requires that a man shall be registered in order to vote, and his name appears on the poll list as having voted when he is not registered, does that, to your minds, as a jury who must pass upon this question, suggest anything dishonest?

Second, a large number, to wit, 54 white persons, whose names appear on the poll list as having voted could not be found in the precinct. Now, the value of that kind of evidence depends upon the extent of the research of the person hunting for them and his knowledge of the precinct. I do not lay great stress upon it. The case does not depend upon that, but I make the statement.

Third, a large number, to wit, 75 colored persons, whose names appear upon the poll list as having voted could not be found in the precinct. I do not lay stress upon that. The value of that evidence depends upon the research of the person inquiring, depends upon his means of observation and his knowledge of the precinct.

Fourth, a large number of persons are shown to have voted who were illegally registered. As to that, I do not agree with the majority of the committee. The majority of the committee in their report did not take the view which I take of that, which I shall, later on, perhaps, have something to say about.

Fifth, several swore that they voted whose names are not on the poll list at all.

Now, would that suggest anything curious about the election in that precinct?

Sixth, several testified that they did not vote, although their names do appear on the poll list as having voted. Would these facts have weight in your minds in determining whether the official returns are reliable?

So, my friends, when we took all those facts in conjunction, the committee felt that there was sufficient peculiarity, sufficient fraud, or, if you do not care to use the term "fraud," that there was sufficient carelessness on the part of the inspectors of that election, so that we could not accept those returns as valid. In that precinct Mr. Aldrich was credited with 79 votes, and when he came to the oral proof he proved more than 170.

Now, there is nothing flimsy about this. What would you do if you sat as members of a committee and heard these facts and were confronted with the fact that these returns were not such as you could accept?

THE PROVED VOTE.

You must resort to the next step, obviously. What is the next step? It is to prove the votes. Now, against Mr. Robbins, the contestee, I have not a word to say personally. He is, like many other Southern gentlemen, the victim of his environment.

The contestee, Mr. Robbins, examined 636 witnesses from this Selma precinct. Now, first, deducting those who were called for

other purposes than to prove their vote, or who were recalled and therefore appeared twice, or who testified that they did not vote, 9 in number, the vote stands 636 less 9. Second, we further deduct those who testified that they voted but whose names do not appear on the registration list, 33 in number. We could not very well count those votes. Now, third, I, personally, propose to deduct those who testified to having voted for the contestee, but who appear from their own testimony to have been illegally registered. In that I am not sustained by the majority of the committee. My contention is that under the law of Alabama, under the constitutional provision, and under the statute passed pursuant to that constitution, those votes ought not to be counted. If it were simply a question whether we should accept votes returned, then it might properly be said that inasmuch as these votes do not appear to have been challenged they ought to be counted. But having rejected the returns, when we proceed to the count of *proved* votes, only those votes which are proved to be legal votes ought to be counted; and when an elector by the very testimony on which his vote is sought to be counted discloses that the vote in itself is illegal, that it has fatal legal infirmities, then I am unable to see how such vote can be legally counted. But it is not a matter on which I need to waste time, because the majority of the committee have not subtracted this number from Mr. Robbins's vote, out of abundant caution and abundant fairness to Mr. Robbins.

Fourth. We deduct the votes of those who testified that they voted for Mr. Robbins, but who obtained their ballots from various unauthorized persons and places. Now, Mr. Speaker, bear in mind that the ballot must have a legal birth, a legal origin, must be printed as prescribed by law, must go into the hands of inspectors from a legal source, and can not get out of the hands of an inspector except it be handed by an inspector to a voter who is about to exercise the right to vote. Bearing that in mind, let me call your attention to the testimony.

There was the case of William Wilby, who got his ballot from a window in the yard; not from an inspector at the table.

There was the case of W. B. F. Harrison, who got his ticket from Mr. Lumpkin. Mr. Lumpkin is the sheriff and not an inspector.

J. J. Babcock—where did he get his ticket? He says: "I think Joe Evans handed me the ticket." Joe Evans was not an inspector.

Jake Storm says Mr. Kennedy, a deputy sheriff, handed his ticket to him.

Thomas Walker says some gentleman handed a ticket to him in the hall. There were tickets flying around everywhere, and, under the law, the tickets could only be given out by the inspectors to voters about to vote, and if they got out of the inspector's hands, except as provided by law, they got out in an illegal way; and yet here we have them all over town. That is the reason why we throw out these votes, gentlemen. It is not for political purposes.

W. R. Lardent got his ticket from some man at the door of the court-house.

Another man, C. Ritter, says Will Walker gave him a ticket as he walked in court-house door.

James Walsh says: "I picked up my ticket myself on the table on the piazza outside." Every man could go and get a ticket off the piazza. [Laughter.]

W. W. Stewart says he got his ticket from some one outside. J. M. Long when asked, "When you voted where did you get your ticket," said:

I got it myself.

Q. Where?

A. Some down town and some in the booths in the court-house.

And he said: "He had some in his pocket."

Tickets were flying around loose, floating about in the hands of anybody, and this man had tickets in his pocket and could get all the tickets he wanted.

A. M. Cummings:

Where did you get your tickets?—A. I got them down at the store and I carried them down there.

He should have been able only to have gotten those tickets at the polling place.

E. H. Hobbs:

Where did you get your ticket when you voted?—A. The ticket was left at my store.

And still gentlemen talk about this election having been conducted fairly.

Mr. LIVINGSTON. Did not they wish to vote those tickets?

Mr. HAMILTON. They voted them; they voted them, and evidently would have voted more if they could.

Mr. LIVINGSTON. You damn them if they do and you damn them if they do not.

Mr. HAMILTON. You as a Democrat, sir, and as a member of this House, will not claim for a minute to me or to any other man on the floor of this House that a voter has got the right to go down town and get a ticket, or take it off the piazza of the court-house, or that tickets can be given out to anybody—Tom, Dick, and

Harry—anywhere, and by everybody, when the law says no ticket shall be given out except by an inspector.

Mr. LIVINGSTON. If there were 1,700 votes for him, why not give him them?

Mr. HAMILTON. I will prove to you that these votes ought to be thrown out.

Mr. BARTLETT. We do not claim that this was right.

Mr. LIVINGSTON. I do not claim it.

Mr. HAMILTON. This is proved by the contestee's own witnesses. Here are some more. Lewis Bega, when asked where he got his ticket, said he got the ticket he voted at the Hotel Albert. Hotel Albert! Down town somewhere; I do not know how far from the court-house, where the vote was taken. Talk about fairness, gentlemen; talk about inducting a man into office here for political reason!

J. T. Russell, jr., had his ticket handed to him on the street. Is there any reason in seating a man on these votes? Now, gentlemen, I want it distinctly understood that so long as I serve on an Election Committee, and I hope I will never have to serve on another one, I will not consent to count that kind of votes.

Now, Mr. Robbins claimed to have proved 636 votes, and by the process which I have given you we deduct only 76 votes. We deduct them carefully, conscientiously, with proper regard for the interest of the gentleman from Alabama. Now, what does Mr. Aldrich prove for himself? We find 102 witnesses who say they went up and voted for him and marked their tickets themselves. How many did he get credit for by the returns? Seventy-nine votes. Is that honest? There were others—those who testified to legal registration, and that O. O. Moore marked their ballots for them. Of these there were 35. And then there were others, 7 in number, who testified that Dockery, another marker, marked their ballots for them for Aldrich. One other ballot was marked for Aldrich by Tinch. None of this testimony is disputed. That makes 145, at least, which Aldrich proves. By the returns, however, he was credited with only 79. There were 10 other votes proved for Aldrich, but the men who voted them admitted that their registration was defective, and the majority of the committee did not allow these votes for contestant.

Then there was O. O. Moore, who testified that he marked 60 or 65 ballots for Aldrich, and although his evidence is undisputed, the committee have preferred to count only those votes which were proved by the voters themselves. If allowed, Moore's testimony will give Aldrich 25 more votes, but we do not count them.

I say to you, gentlemen of the House, that in my humble opinion there is no doubt but that Aldrich is legally, justly, and equitably entitled to 145 votes in the city of Selma, and I am inclined to think that he ought to have more counted for him.

Within my time I can not proceed in detail as to the other precincts, but I have a statement here which I propose to print with my remarks.

PRECINCTS OUTSIDE OF SELMA.

Aldrich carried the white counties by 816; deduct Robbins's majority in Selma, 342, and Aldrich's majority stands 474.

There are 31 election precincts in Dallas County, numbered from 1 to 16, inclusive, and from 23 to 36, inclusive.

No cause was found by the committee for changing returns in the following 12 precincts, which in the aggregate give Robbins 300 and Aldrich 23:

No. of precinct.	Name.	Vote returned.	
		Aldrich.	Robbins.
3	Woodlawn.....	3	38
5	Harrells.....	0	18
13	Pleasant Hill.....	0	29
15	Portland (no election).....	0	0
25	Liberty Hill.....	3	77
26	Bells (no contest).....	8	3
27	Vernon.....	1	19
29	Browns.....	0	19
32	Elm Bluff.....	0	10
33	Carloville.....	6	35
34	Boykins.....	0	24
35	Mitchells.....	2	28
Total.....		23	300

And the count stands: Aldrich, 474+23=497; Robbins, 300; and Aldrich's majority is reduced to 197.

This leaves 18 other precincts to be considered, as follows:

PLANTERSVILLE, NO. 1.

The vote returned gave Robbins a majority of 28, but the evidence (Pickering, Harris, Davis, Fulford) discloses that only one marker—one Oden—was appointed for all parties and that he was detected marking the ticket of one voter for Robbins after having been twice requested to mark it for Aldrich. The fact that he did this in one case raises the reasonable presumption that he did it every time he could get a chance, and vitiates the whole precinct. But deducting only that which is proved to be fraudulent, viz, 1

vote, the vote stands: Robbins, 54; Aldrich, 28; Robbins's majority, 26; and reduces Aldrich's total majority (197 less 26) to 171.

SUMMERFIELD, NO. 2.

Aldrich was given an inspector, Surles, but no marker or clerk. The returns gave Robbins 81, Aldrich 32.

One man under age, Moore, voted, whose vote deducted leaves Robbins 80. Tom King saw 35 or 40 colored voters who said they voted for Aldrich, and Surles, the inspector, voted for Aldrich; but for purposes of the count let returns stand Robbins 81, minus 1 illegal minor vote. Robbins 80, Aldrich 32; Robbins's majority 48; and reduces Aldrich's total majority (171 less 48) to 123.

VALLEY CREEK, NO. 4.

In this precinct the Republicans and Populists asked for the appointment of Charles W. Smith as one of the inspectors. This was refused, and J. D. Roundtree and S. F. Houston, white Democrats, and Llewellyn Phillips, a colored Democrat, were appointed inspectors. Phillips did not arrive at the polls until a short time after 8 o'clock, and his place was filled by the appointment of one Judge Thomas, a colored man who lived on T. C. Woods's place, and had been told in advance by Woods that he was wanted to act as an inspector. This same Woods was appointed returning officer. Woods was the only man who counted the ballots, while Roundtree and Houston kept the tally, instead of the clerks, who should have done so. The official returns from this precinct were—Robbins 158; Aldrich 44.

Aldrich was given a marker, Willis Kennedy, but was given no other representative in that precinct.

Eighty-five witnesses swore they voted for Aldrich and marked their own tickets; 12 witnesses swore they voted for Aldrich and that their tickets were marked by Jake Martin; Jake Martin testifies that he voted for Robbins; 24 other witnesses testified that they voted for Aldrich and that their tickets were marked for them by either Kennedy as official marker or by an inspector; Kennedy testified to having marked 48 ballots for illiterate voters, 16 of whom have already been credited to Aldrich, leaving sworn to by Kennedy 32. Total Aldrich vote, 153; Robbins proved 41; Aldrich's majority, 112; (Kennedy and several others do not appear upon poll list) and increases Aldrich's total majority (123 plus 112) to 235.

DUBLIN, NO. 6.

Returned: Aldrich, 0; Robbins, 24.

Here Aldrich was given an inspector, but he did not appear at the polls. The polls were not open between 8 and 9 o'clock, as required by statute. Aldrich's supporters gathered at the polls, but, being convinced that polls would not be opened, went away, whereupon 24 Democrats voted for Robbins, and Aldrich's majority is reduced (235 minus 24) to 211.

MARTINS, NO. 7.

In this precinct J. W. Richardson was appointed inspector on behalf of Aldrich. Returns: Aldrich, 1; Robbins, 90.

John Henry testified that he directed that his ballot be marked for Aldrich. Other than this the returns should stand. This would give Robbins 89, Aldrich 2; Robbins's majority, 87; and Aldrich's total majority is reduced (211 minus 87) to 124.

ORRVILLE, NO. 8.

Jordan Hatchers was asked for by Aldrich managers and refused as inspector, and Craig was appointed inspector, together with J. L. Edwards and James B. Ellis; Edwards and Ellis were white Democrats and Craig a colored Democrat. The returns were: Aldrich, 5; Robbins, 106.

Testimony of Lumpkins shows that Craig was appointed at suggestion of Joseph Evans, who was Robbins's manager. Aldrich had no representation at the polls. The law requires that two clerks must be selected before the opening of the polls (Alabama Code, 327), who must take the oath required by law (Alabama Code, 358). No clerks were selected and no oath taken (Ellis).

I have not fully yielded my assent to the views of the majority of the committee in throwing out the returns from this precinct. I am satisfied that fraud was contemplated here when the Aldrich managers were refused officers at the polls and that the returns are clearly dishonest and fraudulent. So far I am fully in accord with the majority of the committee. I have some question, however, about refusing to give the contestee credit for some 75 votes proved by him to have been cast for him at this precinct.

The theory on which a count of these proved votes is refused is that the very proof of them is part of a general conspiracy to defraud, having its beginning in the refusal of the appointing board to appoint inspectors and the refusal of the inspectors to appoint clerks and markers, by reason whereof it was known and understood that the colored voters would refuse to vote, knowing that however they might vote, their votes would not be honestly counted nor marked; and that, having refused to vote, upon a contest charging fraud, the returns being rejected, it was known and understood from the very beginning that all that it would be necessary to do would be to swear the voters who actually voted,

the Republican voters having been driven by the obvious fraudulent intent of the board to stay away from the polls. There is reason and logic in this position, and perhaps it may be well to establish such a precedent.

However, it is proper to say in this connection that, the returns having been overthrown, Mr. Robbins made proof of 75 votes and Aldrich 12, which, for the reasons I have given, have not been counted. Their count or the refusal to count them has no decisive effect in this case.

I have gone through the poll list of this precinct and examined the evidence of each of the 75 witnesses sworn by contestee.

The majority of the committee have refused to count precinct 8, and the figures are unchanged.

LEXINGTON, NO. 9.

Here the Aldrich managers asked for the appointment of J. Gilbert Johnson, but the board refused to appoint him and selected one Simon Armstrong, a colored Democrat, to serve with Berry and Moseley, white Democrats. Armstrong had in previous elections proved his availability for fraudulent purposes, and there can be no question but that his selection on this occasion was with the deliberate intent of making fraud easy.

The returns from this precinct were: Aldrich, 3; Robbins, 54. Aldrich had no representation at this polling place. Johnson, and the man Moseley, who was appointed inspector, did not arrive at the polls until two hours after they opened. It is perfectly obvious that there was absolutely no check upon the fraudulent inclinations of those in charge. It is shown that if Aldrich had had representation there that day his supporters would have voted for him, but that they did not dare to vote because they knew their votes would be misrepresented, and that Aldrich would have had a majority of 200 votes if his supporters had dared to vote.

Aldrich proved 4 votes, 2 of which were proved in rebuttal time when they should have been proved in chief and have therefore been deducted, viz, Van Perry and Mike West.

Robbins proved 36 votes, and Robbins's majority, if counted in this precinct, would be 34 on proven votes. But upon the theory that representation was denied Aldrich at this precinct for the very purpose of enabling Robbins's supporters to exclude voters at the polls and count their own supporters by proof, the majority report of this committee throws out this precinct. If, however, a majority of 34 for Robbins were counted here it would not have controlling effect. The count stands, therefore, unchanged.

RIVER, NO. 10.

No vote. No election. Count unchanged.

PINE FLAT, NO. 11.

No vote. No election. Count unchanged.

T. B. Collins says polls not opened; that between 40 and 50 colored voters were there, who, when asked to indicate whether they were there to vote for Aldrich, all indicated they were there for that purpose.

OLD TOWN, NO. 12.

Returns: Aldrich, 0; Robbins, 56.

It appears here that the Aldrich managers asked for the appointment of Robert W. Smith; that he was appointed and refused to act. (Minter.)

This Robert W. Smith was the same gentleman who felt it incumbent upon him to cease to wear an Aldrich button because of the pressure of Mr. Robbins's political friends. There were no election booths at this precinct and tickets were marked openly. (Smoke.)

In my opinion this whole precinct ought to be thrown out because of the willful disregard of the election officers of the requirements of law as to election booths and the marking of ballots, ignoring the privacy which the law intends to guard, and that the votes should be counted only as proved.

Mr. Robbins proved 26 votes, 3 of which are doubtful.

By the testimony of William Houston it appears that only 2 colored men voted there that day, and that only about 20 voters entered that polling place, and yet Mr. Robbins is credited with 56 votes.

The majority report of the committee, however, counts Robbins's vote as returned, and gives Aldrich credit for none. Robbins's majority, 56, and reduces Aldrich's majority (124 minus 56) to 68.

RICHMOND, NO. 14.

Returns: Robbins, 21; Aldrich, 0.

Here an Aldrich inspector was appointed and the committee have counted the vote as returned. Robbins's majority 21, and Aldrich's total majority is reduced (68 minus 21) to 47.

CAHABA, NO. 16.

Returns: Aldrich, 54; Robbins, 127.

Here the Aldrich managers asked for the appointment of Samuel B. Mitchell as inspector, but his appointment was refused and one Ullmer, a rheumatic and disabled colored man, was appointed inspector to act with Blackwell and Donelson, Democrats. Aldrich was also given a clerk and marker here, but at the close of the

polls the Republican clerk and marker were ordered out while the vote was being counted. (Ullmer.)

The poll list of this precinct contains 183 names. Of these it is admitted that only 8 or 10 are white men. Pet Ullmer, marker, swore he marked 123 ballots of illiterate voters for Aldrich and that 40 or 50 colored voters marked their own tickets for Aldrich. Ullmer's statement as to these 40 or 50 voters is corroborated by Lewis, and it is admitted by contestee that Harrison and McCurdy would testify as did Lewis. The committee have no doubt that Aldrich should here be credited with 163 votes. Robbins proved 7 votes. Aldrich's majority, 156, and Aldrich's majority is increased (47 plus 156) to 203.

BURNSVILLE, NO. 22.

Returns: Aldrich, 44; Robbins, 83.

Here A. Thompson was appointed inspector, at the request of the Aldrich managers. The Republicans were also given a clerk and a marker. Thompson was a white Democrat who voted for Robbins. At the close of the polls one John F. Burns, who claimed to act as returning officer, but who had not been so appointed, insisted that the Republican clerk and marker should retire while the vote was being counted. A dispute arose, and it was finally agreed that the ballot box should be left in the hands of Inspector Thompson until the next day, so that the Robbins supporters might obtain instructions as to turning clerks out of the polling place while the vote was being counted. The box was not locked, and the next morning Mr. Thompson counted the ballots and found that there were 113 for Aldrich and 23 for Robbins. He put the ballots back into the box, and when the Democratic officials pretended to count the ballots they made return: Aldrich, 44; Robbins, 83. The committee believe Thompson and give Aldrich 113; Robbins made proof of 23; Aldrich's majority, 91, and Aldrich's total majority is increased (203 plus 91) to 294.

UNION, NO. 23.

Returns: Aldrich, 76; Robbins, 131.

Here the Aldrich managers asked for the appointment of John Logan as inspector, an admittedly reputable man; and no reason is anywhere assigned why he should not have been appointed. One Thompson was appointed, who did not appear, and then, finally, one Smith, a colored Republican, was appointed and served. No Republican clerk was appointed. One Waugh was appointed as Republican marker, and, having appointed him, the supporters of contestee in this case proceeded to impeach him to get rid of his testimony. Waugh swore that he marked for Aldrich 130; marked by Harrison, 2; as to the 40 other Republican votes claimed by Waugh to have been cast the proof is not as complete as could be desired, and although the committee are inclined to think Aldrich received these 40 votes, for abundant caution they have rejected them, and the vote stands: Aldrich, 132; Robbins, 34; Aldrich's majority, 98; and Aldrich's total majority is increased (294 plus 98) to 392.

PENCE'S, NO. 24.

Returns: Aldrich, 1; Robbins, 64.

Evans Bryant was appointed inspector on behalf of Aldrich, but did not serve; and one William Thomas, an illiterate colored man, who voted for Robbins, but had to have his vote marked in order to do it, was appointed inspector in place of Bryant. By testimony of Charles Brown it appears that about 15 names were fraudulently added to the poll list; 11 of these are persons shown not to live in the precinct. We allow Robbins the number proved, 44; Aldrich, admitted, 1; Robbins's majority, 43; and Aldrich's total majority is reduced (392 minus 43) to 349.

MARION JUNCTION, NO. 25.

Returns: Aldrich, 0; Robbins, 73.

Here Aldrich's managers asked for appointment of W. J. Gilmer, chairman of Populist party of that precinct, as inspector. This request was refused without reason, and an illiterate colored man, who voted for Robbins, was appointed. One Goldsby testifies that there were only 34 white voters in the precinct, and that only 8 colored voters entered the polls that day. This, however, did not deter the inspectors from having a poll list of 73. Robbins proved 39, Aldrich none; Robbins's majority, 39, and Aldrich's total majority is reduced (349 less 39) to 310.

KINGS, NO. 30.

Returns: Aldrich, 0; Robbins, 52.

Here the Aldrich managers asked for the appointment of J. J. Jones as inspector. This appointment was refused without reason assigned, and finally Willie Towns, a colored Democrat, received the appointment. Aldrich had no representation. The proved vote is: Robbins, 12; Aldrich, none; Robbins's majority, 12, and Aldrich's total majority is reduced (310 less 12) to 298.

SMYLEYS, NO. 31.

Returns: Aldrich, 3; Robbins, 41.

R. C. Sewell, an inspector, testified that only between 9 and 12 men voted all day. He enumerates the men who were there and voted. We are satisfied that the returns are discredited by this testimony. But inasmuch as it was taken in rebuttal time, when

it should have been taken in chief, in strict fairness the committee have rejected it and have allowed the returns to stand: Robbins, 41; Aldrich, 3; Robbins's majority, 38; and Aldrich's total majority is reduced (298 less 38) to 260.

In Orrville, No. 8, if Robbins be credited with 75 proved votes and the failure to appoint inspectors be not considered as a part of a conspiracy to commit fraud, then Robbins's vote would be increased by 75.

In Lexington, No. 9, if Robbins were credited with 34 votes which have been denied him for the same reason assigned as to Orrville, No. 8, his total would be increased by 34. Orrville, 75; Lexington, 34; total, 109.

In Old Town, No. 12, however, if the returns are thrown out and the proved vote counted, Robbins would be reduced by 30. This would increase Robbins's total vote by 79.

As to Aldrich, if he be credited with 40 votes, testified to by Waugh, in Union, No. 23, and 25 votes, sworn to by Moore, in Selma City precinct, Aldrich's vote would be increased by 65, so that the total result would be changed but little by taking into consideration and counting these votes which the committee have rejected.

CONDITIONS SURROUNDING TAKING OF TESTIMONY.

Something has been said on the other side of the House about a campaign button. A gentleman came up from Oldtown by the name of Robert Smith, who had an Aldrich button on, and some of Robbins's supporters said to him: "The boys have made up their minds that no more Aldrich buttons shall be worn by either whites or blacks." So that Smith, being a discreet person, was induced to remove the button.

Now, the wearing of a campaign button is a harmless sort of decoration, but a social condition that dictates to a man what kind of a button he shall wear approaches a condition of tyranny and makes a man want to stick campaign buttons all over him and protect his privilege with a Gatling gun. [Laughter and applause on the Republican side.] We shall never have the right kind of a government while such a condition is fostered and upheld, and still we have the curious anomaly of gentlemen coming up here to defend it. There was the case of a man who was killed right after the election. Killed! Why? Because he was a supporter, as I understand, of Aldrich—because of "hatred engendered by his political position."

Mr. BARTLETT. Oh, I hope the gentleman will not make that statement—

Mr. HAMILTON. The testimony—and the only testimony on that point—by one witness was that he was shot because of a feeling aroused on account of his having been a supporter of Aldrich.

Mr. BARTLETT. That was only the opinion of a witness who did not see the shooting and was not present.

Mr. HAMILTON. That is the statement of the witness. The man languished until the 26th of December, the day after Christmas, the day of "Peace on earth and good will to men," and finally died. There was another occurrence there. I do not state this for the purpose of inflaming feeling, but because it has been commented on unfairly on that side of the House.

This gentleman, Aldrich, went into Selma to open his court so that he could take testimony. But he could not take testimony. I hate to allude to this; I do not want to say much about it, but it has been alluded to on that side of the House. He went into the Hotel Albert on the evening of January 14, 1898. There were gentlemen sitting around the fireplace, among them the gentleman from Alabama, Mr. Robbins. When he went in the gentleman from Alabama advanced, called him aside, and called his attention to something in a paper, and then struck him. The encounter was all one-sided, because while Robbins struck Aldrich as fast as he could, Aldrich simply protected his face with his hands from his blows. Then a friend of Aldrich, his attorney, Mr. Dryer, advanced to interfere, but was confronted by Mr. Joe Evans, clerk of the Selma city court, a smooth-faced gentleman, with a cocked revolver, who suggested to him that it would be just as well to desist.

Another gentleman, Mr. Deans, Aldrich's manager in Dallas County, said he would like to have interfered in the interest of fair play, but when he advanced he was met by a cocked pistol in the hands of another distinguished gentleman, whereupon, Mr. Deans looking around saw other gentlemen with cocked revolvers, and they stood there while the proceedings went on, until Mr. Joe Evans, who was presiding on this interesting occasion with his cocked revolver, courteously inquired of Mr. Aldrich, "Have you had enough?" And Mr. Aldrich was obliged to say that he had.

That is the atmosphere of public opinion which surrounded this man when he attempted to take testimony in his case there. That is why he had to go into another county to take his testimony. That is why they talk about "pig tracking" witnesses, because they had to take these witnesses into another county to get their testimony to be used in the hearing of this case. Now, gentlemen, I do not allude to this except in answer to what has been said on the other side. That fight must have been a great disappointment

to the coroner and other distinguished gentlemen connected with the local political situation. [Laughter.]

THE RACE PROBLEM.

All this is made possible, nay, all this is invited, by the ignorant and illiterate condition of the colored people down South; and so long as that condition continues to exist, cases like this will continue to come up here year after year for settlement. This is a case that calls for our careful consideration, a case which rises above mere partisanship. It rises into the atmosphere of a great social problem.

Sir, my attention has recently been called to a very able discussion of this race problem by Prof. Booker T. Washington, himself a splendid illustration of what a colored man can do for himself and for others under our free institutions.

No man patronizes him; no man tampers with his vote. In the domain of thought he sits high among the men to whom the color of a man's skin is but an incident.

Some men in public life are like soap advertisements in a grocery window. Approach them from one direction and they read one way; approach them from another direction and they read another way; approach them from the front and they read still another way. [Laughter.] But Professor Washington has never borne one message to the colored people of the South, another message to the people of the North, and another message to the white people of the South. He has always been consistent. He is admitted by you Southern men, I think, without dispute, to be an intelligent, high-souled gentleman, who is operating for the best interests of his race as well as of the white people.

In his recent work on the Future of the American Negro in America, Professor Washington calls attention to some of the fundamental difficulties of this race problem. It resolves itself into two parts: First, how to make the colored man in the South self-supporting and progressive. Second, how to adjust the relations between the white and colored people of the South on a better basis.

He urges the need of industrial as well as other education and discipline.

He regards education as more important than political reforms. He calls attention to the fact that under the old slave conditions there was a certain kind of industrial and mechanical training; then slavery was swept away, and an attempt was made to build upon the old slave conditions a system of education which did not sufficiently take into consideration the condition of the people whom it sought to benefit.

The colored people celebrate August 1 up in my country. Last August 1 was called upon to make a speech. There was another speaker—a colored man, who held forth with fervid eloquence on what he called "the wrongs" of his people. Afterwards, riding with an old colored preacher of my town, named Julius Caesar, I said, "Mr. Caesar, what do you think is the solution of this race problem?" "Look here, Mr. HAMILTON," he said, "I think that when the colored man gets an education and gets skill as a workman and gets some property, then the white men and other people begin to want him; and the colored man will rise in proportion to his ability—just like everybody else."

This view is indorsed by Professor Washington. He supposes the case of a colored man who has a business of \$10,000 a year with a railroad company. He says, "Do you suppose that when that black man takes his family aboard the train they are going to put him and his family into a 'jim-crow' car and run the risk of losing that \$10,000 a year? No; they will put on a Pullman palace car for him."

Now, this regard for material conditions runs through all classes and colors and conditions, from the barbarian who stood well because of his wealth in wampum and cowry shells, and the Virginian settler who was able to obtain the bride of his choice because of his wealth in plug tobacco, down to the present time when some young woman marries some degenerate descendant of so-called foreign aristocracy and advertises her wardrobe.

This thing runs through all conditions. There was the case of my old friend Jones. Said he, "De fust year things were middlin' prosperous, and I was able to put down \$25 for de benefit ob de church, and dey called me 'Deacon' Jones; de next year things wa'n't so prosperous and I done give 'em \$10, an' dey called me 'Mister' Jones; de next year I was mighty hard up and I didn't give 'em anything, and dey called me 'Old Jones,' and I quit 'em in disgus'."

Now, Professor Washington tells how, about ten years ago, a young man came up from one of the plantation districts to Tuskegee. After finishing his course he went back home to take up his work among his own people, whom he found as he had left them, living in one-room cabins, in ignorance and in debt, and paying exorbitant interest, their only school in a log cabin for three months in a year. He went to work, and Professor Washington sums up the results of his splendid work as follows:

I wish you could look into the faces of the people and see them beaming with hope and delight. I wish you could see the two or three room cottages that have taken the place of the usual one-room cabin, see the well-cultivated

farms, and the religious life of the people that now means something more than the name. The teacher has a good cottage and well-kept farm that serve as models. In a word, a complete revolution has been wrought in the industrial, educational, and religious life of this whole community by reason of the fact that they have had this leader, this guide and object lesson, to show them how to take the money and effort that had hitherto been scattered to the wind in mortgages and high rents, in whisky and gewgaws, and how to concentrate it in the direction of their own uplifting.

Why, my friends, it seems to me that all the members of this House on both sides—every man who helps to make public opinion—instead of trying to beat the colored man out of his vote ought to try to stand with such men as Booker T. Washington to give the colored man his right to build himself up, to make an American citizen of himself, and to act for his best interests. [Applause.]

Sir, I am compelled to give my vote for the unseating of Gaston A. Robbins and the seating of William F. Aldrich in this case—not for personal or partisan reasons, but because I believe the evidence compels that decision. I regret the disappointment which such a vote must cause. But I desire to say in closing that it is not of so much importance who occupies the seat in controversy here; it is not even of so much importance how the colored man votes—whether he votes the Democratic or Republican ticket. The important thing is that the colored man shall be permitted to vote just once and to have his vote counted as cast, and that the white man shall not be corrupted year after year by lying returns and dodging the law, and that the colored man shall not be held in degradation year after year by being used as mere material out of which to falsify returns. [Loud applause.]

Mr. BARTLETT. Do I understand from the gentleman from Illinois that I am to proceed now as was originally contemplated?

Mr. MANN. I hope the gentleman from Georgia will now occupy such time as he may desire.

Mr. BARTLETT. Mr. Speaker, the most eminent of the chief justices of England had, prior to his elevation to the bench, been for a long time a most vigorous and relentless solicitor and attorney-general for the Crown, and had permitted himself on many occasions to exhibit the most bitter partisanship toward the accused—partisanship such as did not become the high office he so ably filled; yet, when he took upon himself the oath of office as chief justice he announced as a motto of his administration of the duties of that great judicial position, "Audi alteram partem;" and in the discharge of the duties of his judicial office no decision was rendered until the other side—until both sides—had had an opportunity of a fair and impartial hearing. How unlike that rule of conduct, adopted by the great chief justice, must appear the conduct of both sides of the House in these contested-election cases. They seem to conclude that instead of hearing the other side or both sides, to hear neither, and to form their opinions solely upon questions of personal favor or political policy or expediency. They adopt the motto, "Audi nullam partem."

Mr. Speaker, it is unfortunate that these cases, which, in the early days of the Republic, were decided according to the evidence offered by the parties and according to the law, with due regard for the rules of evidence laid down and established by the law, when the evidence and the law and not party demands were the guide, should now be considered as mere matters of personal favor or political expediency. I do not mean to charge that such has been done by the majority of the committee in this case or that the House will so determine the case now before us. I do not mean to charge that a question of this magnitude will not be considered by the House upon its merits and with a due sense of justice.

But how can members of the House who have not heard, who will not listen, and who refuse to hear, justly decide a question like the one pending here—a question involving, as it does, the highest privilege of a member in this House—the right to his seat; and not only that, but the dearest right of the American citizen—the right and privilege to have his chosen representative retain his seat here to which the people of the district have elected him. If we are not to determine these questions when a contest shall arise not only upon the law and the evidence, but absolutely and impartially and without regard to any partisan or other consideration excepting those involving the right and truth of the case, then why waste the time of the country and the House to discuss them? Why not arbitrarily pass the resolutions of ouster at once and boldly declare that the vote is given because the partisan demands require it?

I believe, Mr. Speaker, that to the few members present who do me the honor, and the committee the honor, to hear me and listen to the argument in this case, I shall demonstrate as a mathematical problem the injustice of this contest and the right of the contestee to his seat on the admitted evidence adduced and found in the record of this case, to which I have devoted a great deal of attention and careful search and patient investigation. I had hoped that at least those who would listen to me could not fail to recognize the absolute right of the contestee to his seat, the proof of which I am about to submit.

I had also indulged the hope, sir, that, in this the year 1900, a

contested-election case involving the greatest right of American citizenship and of the highest privilege in this great representative body of the people might be considered by some—by many, by all, in fact—as a nonpartisan, as a judicial matter to which men of all parties might bring their best thought, and by their votes and impartial judgments establish the proposition that these questions should be and must be nonpartisan in character, and so decided. How else should questions of fact and questions of law be determined?

I want to say that no word that I may utter is intended to reflect upon any member of the House or upon any one of my colleagues on the committee.

I feel sincerely, I know absolutely, that their conclusions are erroneous, not sustained by the evidence, not justified or upheld by the well-settled principles of law; but that is a matter of judgment. I am not here to censure or denounce, but to criticize and demonstrate their error, if I can. I shall be earnest, for that is my nature; but in that earnestness I shall have no intention to be offensive. But I shall endeavor to criticize the report of the majority in a fair, legitimate, and judicial way, without any personal strictures or harsh comments upon the views of the majority of my colleagues, for whom I have the highest personal respect and esteem.

I shall call attention in the course of the discussion to what I regard as the discrepancies and errors, to the failures in the report to present to the House the truth of the case as I understand it from the record. I shall, I repeat, criticize that report; but, Mr. Speaker, I shall under no circumstances undertake to denounce or condemn the gentlemen for the opinions entertained honestly, no doubt, by my colleagues on the committee. [Applause.] Nor shall I condemn the action of those gentlemen on the majority side because they have not brought before the House in the report now presented all the material facts of the case at bar, nor stated the evidence which must destroy their contention. But I shall present to you my opinions and my views, derived from a careful study of the evidence, which are directly at variance with those which they ask you to accept.

I will not say that the evidence presented by the other side and the rule laid down by them, if sustained, do not, taken together, justify the conclusion to which they have arrived; but I do say that no committee, no matter how partisan, that no member of this House who desires to consult his conscience and accept the conditions which that conscience would impose, should ask this House to violate every rule of evidence which has been established by decisions of courts and affirmed in previous election contests, as I insist has been done by this report; I only insist that you, the members of the House, shall decide this contest with a due regard to these admitted and established principles of law and the evidence presented for our consideration in this case.

I have not time, Mr. Speaker—I regret very much that I have not, nor do I deem this the proper occasion—to reply to the speech of the gentleman from Nebraska [Mr. BURKETT], delivered evidently for home consumption, in relation to the conditions at the South, and by other gentlemen on the opposite side of the Chamber. What business have such speeches here at such a time as this? Due regard for the proprieties, it seems to me, would have prevented their use here. I had thought that the day of waving the bloody shirt in this country was passed and gone forever. That had been my hope. I had thought that the views and conduct of the older—of the oldest and ablest—members of this House had been such as to prevent an exhibition of any such littleness as that. I had thought that the war of sections was over, and that recent events showed that we had a united and not a divided country; that hate and animosity toward the sections had passed away.

But it was reserved to my friend the new member from Nebraska [Mr. BURKETT], with his judicial, affidavit-looking face and stentorian voice, to resurrect the bloody shirt and wave it again. I had been led to hope and believe that the efforts to array the sections had long since been abandoned. The older members of this House had set the honorable example of letting the dead past rest. But the gentleman from Nebraska has again seized the worn-out sword of sectionalism, which older and more experienced men had gladly laid aside, and now brandishes it in this case, when all should at least make the effort to determine the questions involved calmly and impartially.

I have no reply to make to him here and now. I beg to say, however, that it was not becoming in him, in the exercise of that high prerogative he enjoys as a member of this House, in presenting this contested-election case to stir up the embers of a spirit fast dying out, and to arraign the entire section of the country from which I have the honor to come, and to announce that he is ready to overturn the decisions of the people of the States he mentioned, by the arbitrary will of Congress, in 86 other Congressional districts. In his cooler moments I believe he will regret it. I am loath to believe that he can gain any political advantage amongst his own people by such means. Let the "bloody shirt"

rest; let the broken and battered blade of sectionalism be left idle in its scabbard. To quote the familiar lines from Hudibras:

The trenchant blade, Toledo trusty,
For want of fighting has grown rusty,
And ate into itself, for lack
Of somebody to hew and hack.

Mr. Speaker, the gentleman, in his calmer moments, and when he has been here a little longer, will realize that these things are of the past, are gone forever, we hope, and once more, in spite of bloody internecine war, in spite of the great strife and civil discord, and the animosities engendered thereby, in spite of the wrongs inflicted by one side and endured by the other, those of us from the North and those of us from the South can stand upon this floor and proclaim that we believe in verity and in truth that in the common grave of the Northern and the Southern boys who fell in the war with Spain "this bloody-shirt business," this assault of the South upon the North and of the North upon the South, is buried, and we trust buried forever.

Are we strangers to you, gentlemen on the other side? Is there any reason why assaults like these should be made? Why, sir, even at the risk of occupying my time to the exclusion of other things, let me recall a few historical facts, not old but recent. Sir, I was one of those who witnessed that scene here in the Fifty-fifth Congress, when every member demanded a roll call that he might go down upon record in that patriotic outburst when we gave to the President of the United States \$50,000,000 to do what he pleased with it, in order to vindicate the honor of America and to free Cuba. And when that war came, Mr. Speaker, and volunteers were called for by the President, what was the sight which was witnessed by monarchs and kings and by those who had predicted that the American Republic would perish from the face of the earth because the North and the South had once been arrayed in conflict, one against the other?

Why, sir, the Southern States answered the call of the President for volunteers promptly and patriotically. The State of Georgia was the ninth State in the Union which filled her quota of troops, and she sent more soldiers according to population, I am informed, than any other State in this Union. Georgia, Alabama, and all the States of the South hurried with their offerings, with their children, and their treasure to lay them upon the altar of their common country. Let me recall an incident of how our boys fraternized with yours, Mr. Speaker. At Knoxville were encamped the First Georgia and the Thirty-first Michigan, a regiment from my friend's own State. Those boys lived side by side in camp and marched side by side on the march, and each held up gallantly and gladly the common emblem of our common country.

When the President came to review them they mingled together, and one company of the Georgians next to a company of the Michigan regiment, and there the President of these United States and the members of his Cabinet beheld marching side by side as one regiment the intermingled companies of the First Georgia and the Thirty-first Michigan. And when the First Georgia was mustered out before the Thirty-first Michigan, a number of young men from my own town were so devoted to the friends they had made in the Thirty-first Michigan that they reenlisted and went off with them. [Applause.] These young Michigan officers and soldiers would not to-day, I am sure, indorse the words of my friend from Michigan in which he arraigns the people of the South.

Yes, Mr. Speaker, let me recall other reasons why our brethren from the North ought not to be forever denouncing us on the floor of this House, even if it be only for home consumption. On the 1st day of May, 1898, there rode into the harbor of Manila the American fleet, upon the bridge of whose flagship stood the immortal Dewey. Ere the sun had climbed to the zenith there was achieved a naval victory the equal of which has scarcely ever been seen and the superior of which the annals of the world do not record.

Side by side with that gallant commodore, now the Admiral of this country's Navy, stood a Georgian born, who rode with him upon that battle ship through the storm of battle, and when the Stars and Stripes went up over Manila for the first time it was at the request of Admiral Dewey that Brumby, a Georgia boy, ran up Old Glory above Manila. [Applause.] He died in this city a few weeks ago, and the Admiral, who had recommended him for promotion, who loved him as he did his son, stated to me and has stated in the press that he died from disease contracted in the performance of his duty.

When the first effective shot was fired at an American ship from a Spanish battery upon the deck of our gunboat, the first blood that flecked the waves that wash Cuba's shore and the first life that went out as an offering upon the altar of our country was that of a son of the South, the heroic young Bagley.

Further than that, when our fleet lay at the mouth of Santiago Harbor, before the Spanish fleet came out and when men were wondering how that fleet could be bottled up, whose mind conceived, whose bravery suggested, and whose gallantry carried out

the idea of sailing an American ship through shot and shell to sink it in the narrow mouth of the harbor?

The whole country and the whole world rang with the praises of the daring and bravery of Hobson and his six gallant men. He was an Alabamian, living next door or in the next county to the contestee. His name is written upon the glorious pages of the history of his country; and yet the people who produced a man like that, his associates, his brethren, are to be deprived of their right to be represented in this body in response to the assault made upon them by gentlemen upon the other side, who denounce as peculiar and wrong and infamous their method of conducting an election and the election laws passed by the Southern States, and that, too, in behalf of a contestant whose real political status is of a mixed and grotesque character—who is neither a full-fledged Republican, nor Populist, nor Greenbacker, but a Free-Silver-Republican-People's-Party-Populist-Greenbacker.

More than that. On the 3d of July, after that fleet had come into the open, and the immortal Schley, ever on the watch, a Southern man, steamed after it, and one by one ran them down and sunk them, there stood upon the bridge of the *Brooklyn*, unprotected by armor or anything else, a man who, cool-headed and brave, guided it through all the fight—the chief naval navigator. He was a Georgian born.

When our conflict was raging at San Juan Hill, early in the battle, when we were startled and anxious for fear our troops had been repulsed, when it was stated that a retreat had been determined on, whose mind guided, whose advice was followed in connection with the brave Lawton and Bates? Who was the man that, although weakened by disease and racked by pain, led at least a part of the American forces up that hill and helped to gain the victory? An Alabamian! I need not mention his name. At that time he was a member of this House, and has again been elected.

In the far-off Philippines when that gallant, brave, and chivalrous old soldier, whose bravery and devotion to duty was only equaled by his quiet manner and modesty, General Lawton, was killed, there stood by his side a Georgia captain who, though shot and wounded, remained at the head of his company and led them against the enemy until the foe was dispersed, and for this gallant act he was recommended by his commander for promotion, and has been promoted. I refer to Capt. O. T. Kenan, of my own city. Search the records of the War and Navy Departments and there you will find that the reports from the front are ablaze with the deeds of bravery of Southern men who are fighting the battles of our common country. At Malabon Lieut. Emory Winship, of the Navy, a native of my own city, though five times wounded, heroically continued to fire his gun from his vessel until every one of his men had returned from the shore and were safe aboard.

But why multiply instances? Many a young and glorious life of our Southern boys has gone out in the past few months in battle in the efforts of our people to sustain the dignity of our country and the glory of our flag.

How different from this wail of my young friend from Nebraska in his attack upon our people are the manly and noble words of the President of these United States when he, addressing the legislature of Georgia in December, 1898, said:

Sectional lines no longer mar the map of the United States; sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is once more the common object of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace, with new glories which your sons and ours have this year added to its sacred folds. Every soldier's grave made during our unfortunate civil war is a tribute to American valor.

And while these graves were made we differed widely about the future of this Government, the differences were long ago settled by the arbitrament of arms, and the time has now come in the evolution of sentiment and feeling under the providence of God when in the spirit of fraternity we should share with you in the care of the graves of the Confederate soldiers.

When all these recent things have occurred; when our boys and our young men rushed with yours at their country's call and locked arms with your sons and boys, and stood by their side in the strife, going down to the death with yours on the battlefield or in the hospital; yet when these cases are to be decided, coming from the South, you say you do not like our election laws, and the fresh young Representatives assail us, and you are asked by your votes to indorse the slanders.

Gentlemen, you may do so; that is your privilege; it is not your right. I know that there are a great many men, Mr. Speaker, like the gentleman from Nebraska, who, if they had been at the beginning of creation, would have taken a hand in making some useful suggestions as to how the Creator might have bettered the universe; and I apprehend that if my friend from Nebraska [Mr. BURKETT] had been there, he would have made suggestions to the Creator as to how He could have benefited the universe and made it better than He did; but we must deal with things as they are.

Coming down, then, Mr. Speaker, to the case, I ought not probably to have taken this much time to have said this. It may be read some time, and there are some who listen. May I be par-

doned if I tell an incident, as story telling seems to have been a large part of the argument of my friend from Michigan [Mr. HAMILTON]? This performance reminds me of what occurred before a justice of the peace, and its application might be made to either side or both sides. An old justice of the peace in one of the wire-grass counties in Georgia was hearing a case. One man had argued for a long time, and another was proceeding to argue, evidently intending to consume some time.

There had been a very dry time of it in that section, and, a shower of rain coming up, the justice of the peace was very anxious to go out and set out his potatoes, and he finally said to the lawyers, "Hold on a minute; when you get through with the argument you will find the judgment already wrote out in the back of the docket." [Laughter.] Now, I am almost afraid that when I shall have gotten through with my argument and my friend has gotten through with his, that incident will be equally applicable to both sides—the judgment has already been rendered. So, Mr. Speaker, if I thought that were really true, if the case is to be decided simply by the prejudice of it, whether right or wrong, I would not attempt to proceed further; but, Mr. Speaker, believing, as I have good reason to believe, there are those who are interested enough in doing that which is fair and just and in accordance with the evidence, whether that be for unseating or retaining the contestee, I shall proceed.

This question rests upon the charges that the voting in every precinct in this county except one was fraudulent and that the vote was fraudulently cast and counted in many precincts. It was the same identically, and copied almost word for word and letter for letter, figure for figure, until they come to the City beat, with the two other former contests here. Why, the contestant has got a machine down there for contesting these cases in which he grinds out the notices of contest, and not only does he grind out the notices of contest, but grinds out through his machine bought evidence, as I will show to this House, upon which the committee have concluded that the vote shall be excluded. I make the assertion, and I do not believe it will be controverted—I know it can not be contradicted from the evidence—that the result in this case depends upon three precincts—Orrville, Cahaba, and Union.

In these precincts contestant offered as witnesses Andrew King, Pet Ulmer, and Jackson Waugh, three negroes, one in each precinct, and their evidence is the only evidence relied on to impeach the returns. The first two afterwards renounce their former testimony; admit that it was false; and the third, Jackson Waugh, is overwhelmingly impeached by proof of bad character and that he is unworthy of belief under oath. The majority of the committee in their report say, on page 12, that he was impeached. Here is your own report:

Some of the witnesses for the contestee swear that they think Waugh's character is bad and that they would not believe him under oath.

The contestant's case depends upon this evidence; without the evidence of all three his case must fail, as it depends upon this perjured testimony. Remove it, and the case falls.

Let us consider these three precincts and determine from the evidence, as reported by the majority, whether this case depends upon them.

At Orrville precinct, No. 8, the contestant received by the official returns 5 votes and the contestee 106 votes. The majority exclude the poll entirely and refuse to count any votes, although on page 9 they find that Robbins proved 75 votes and Aldrich 5. The only witnesses offered by the contestant to impeach this precinct were Andrew King and Simon Raiford. Simon Raiford was the Republican chairman for that beat, and only testified that he voted for Aldrich. Andrew King, on page 164, testifies that he was a marker at this precinct, and that he marked 9 ballots for Aldrich besides his own, making in all 10 ballots. Of this number, so alleged by him to have been marked for Aldrich, 4 were produced on the stand and swore that they voted for Robbins; the names of two can not be found upon the poll list, and he is not only contradicted by these four witnesses, but by the election officers, who swear that there were 114 votes cast in all, that 5 were cast for Aldrich and 106 were cast for Robbins, and 3 were defectively marked.

Andrew King again appears as a witness on the 5th of April, 1899, and on pages 664-665 of the record he testifies that he is the same witness who testified on behalf of the contestant with reference to the Orrville precinct; that he did not vote for Aldrich, but voted for Robbins; that he did not mark any tickets for Aldrich at Orrville precinct on the 8th of November, 1898, although he had sworn on a previous occasion that he marked 10; that he was induced to swear to these facts because Simon Raiford, the Republican chairman of the Orrville beat, told him that he would be paid \$7 per day, and that he would be gone three days; that he did not mark a single ticket at Orrville on election day for Mr. Aldrich, and retracts every word that he testified to on a previous occasion with reference to his marking any tickets for Aldrich at the election.

I assert that it can not be shown from the record that any other witness attacked this precinct. If my assertion as to his testimony is denied, I request gentlemen on the other side to deny it now.

If this precinct stands as it should, and is not destroyed by the testimony of Andrew King, confessedly false as it is, then there should be added to the vote of the contestee 106 votes, which reduces the majority found by the committee for Aldrich to 100.

The following is the testimony of Andrew King, referred to above, given on the 5th of April, 1899:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?

A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.

Q. Are you the same man that testified at Stanton in this case?

A. Yes, sir.

Q. Did you or not testify at Stanton that you voted for Aldrich?

A. Yes, sir.

Q. You were marker here that day, were you not?

A. Yes, sir.

Q. Did you mark any tickets that day for Aldrich here?

A. No.

Q. How many did you swear at Stanton that you marked for Aldrich?

A. Ten.

Q. What induced you to go to Stanton and swear to those facts?

A. They said that I would be paid.

Q. Who told you you would be paid?

A. Simon Rayford.

Q. How much did they promise you?

A. They said I would get \$7 per day and be gone three days.

Q. Who else induced you to testify that way?

A. No one else.

Q. Did or not Green Korneaga talk to you before you were put upon the stand at Stanton?

A. I don't know him.

Q. Is it a fact that you did not mark a single ticket here that day for Mr. Aldrich?

A. Yes, sir; it is a fact. I did not mark one single ticket for Mr. Aldrich here that day.

Let us take up the next precinct, Cahaba. At this precinct the returns were 54 for Aldrich and 127 for Robbins. The only witness who in any manner attacks the seret returns is one Pet Ulmer, who testified on the 9th day of February, 1899, when offered as a witness for the contestant, that he was a marker at that precinct; that he marked 123 ballots for Aldrich, and that these tickets were voted, and that there were 40 Republicans who voted there that day who could mark their own tickets; and the report of the majority of the committee give to the contestant at this precinct 163, and count them for him, which is 109 more than was returned for him, and they allow Robbins only 16 votes, when the returns show 127 for Robbins, thus depriving him of 111 votes, and giving to Aldrich 109.

At this precinct Robbins had 73 majority by the returns, and by the report of the committee Aldrich is given a majority of 157, which would make a difference in Robbins's vote of 120. If the testimony of this witness is not reliable, and this precinct is permitted to stand as returned, then this precinct and Orrville, just discussed, would overcome the majority found for Aldrich.

On the 25th of March, 1899 (on page 742 of the record), this same witness, Pet Ulmer, testified that he does not know how many tickets he marked for Aldrich at that precinct; that he kept no memorandum that day; that the reason he said he marked 123 ballots was because Green Cornegie asked him just to say that he marked 123, and that the list he swore on a former occasion he kept that day he got up after the election at the suggestion of Green Cornegie.

I read the testimony of Pet Ulmer upon this point, given on the 25th of March, 1899:

Q. Were you examined at Stanton by the contestant?

A. Yes, sir.

Q. What, if any, official position did you hold at Cahaba last November?

A. Marker.

Q. Do you or not remember how many tickets you marked that day for Mr. Aldrich?

A. I don't know how many there were.

Q. Did you or not keep any memorandum that day?

A. I did not.

Q. How many tickets did you testify to marking for Mr. Aldrich when at Stanton?

A. I think it was 122 or 123.

Q. Why did you say then that you marked 123 for Aldrich?

(Council for contestant objects to this question and moves to exclude the answer, for it calls for the reason of the witness and not the facts.)

A. Green ask me how many there were and I told him I did not know; that I had gotten up a list after the contest and had left the list at home.

Q. Was that Green Cornegie that you speak of?

A. It is.

Q. What did Green then say to you, if anything?

A. He ask me did I have any idea how many there were, and I told him some hundred odd, and he then said, "You can just say 123."

Q. Did you or not keep account on the day of the election how many you marked?

A. I did not; I did not have time.

Q. When did you get up that list you mentioned?

A. About two weeks after the election.

Q. Was it from that list that you got up that you based your estimate upon?

A. Yes, sir.

And this is the testimony and the character of the witness that is accepted by the majority of the committee to overturn the returns from this precinct.

The next precinct is Union, No. 24. At this precinct John H. Smith, the colored Republican chairman for that beat, was appointed inspector, and Jackson Waugh, at his request, was appointed marker. At this precinct the returns give Aldrich 76 and Robbins 131 votes. The only witness offered by the contestant to impeach these returns is Jackson Waugh, who swore that he marked 90 tickets, commencing at 11 o'clock, for Aldrich, and that he kept an account or memorandum of them, and prior to 11 o'clock he supposes he marked 40, and the committee reject the returns and count for Aldrich the number of votes this witness swears he marked for him.

It will be seen that the committee deprived Robbins of 97 votes at this precinct, and gave to Aldrich 54 more than were returned, making a difference against Robbins of 109 votes. If this precinct is permitted to stand, together with the other two I have just discussed, then the majority found by the report for Aldrich not only disappears, but we have a majority of more than 200 for Robbins, even if the report of the majority is accepted in all other respects. This witness is contradicted by Kent West and Willis Smith, clerks appointed at the request of the Republicans, and by the three Democratic election officers, and it is testified by three citizens of that precinct that Waugh is of bad character and unworthy of belief. Besides, nine colored voters, whose votes he swore he marked for Aldrich, appear upon the stand and swear that he did not mark their tickets for Aldrich, but for Robbins, and that they voted the tickets for Robbins so marked by him.

The testimony of this witness is unworthy of credit, because, when called upon to produce the list which he claims to have kept on the election day, he said that he had left it that morning at Selma, and the list has never been produced or offered to be produced. It is a bare fiction. Besides, it was shown by witnesses who were present at the election that he kept no list that day and did not pretend to keep one; and he is impeached as being a man of bad character and unworthy of belief. Witness J. A. Carson, on page 755, swears as follows with reference to his character:

Q. Do you know the general character of Jackson Waugh in the community where he lives for truth and veracity?

A. Yes, sir.

Q. Is that character good or bad?

A. It is not good.

Q. Would you or not believe him on oath?

A. No, sir.

J. J. Townsend, on page 757, swears as follows with reference to his character:

Q. Do you or not know the general character for truth and veracity of Jackson Waugh in the community where he lives?

A. I do.

Q. Is his character good or bad?

A. My opinion is it is very bad.

Q. Would you or not believe Jackson Waugh under oath?

A. I would not.

And J. F. Orr, on page 759, swears as follows with reference to his character:

Q. Do you or not know the general character of Jackson Waugh for truth and veracity in the community where he lives?

A. I do.

Q. Is his character for truth and veracity good or bad?

A. Bad.

Q. Would you or not believe Jackson Waugh on his oath?

A. I would not.

Not a witness is offered and no effort is made to sustain the character of Jackson Waugh. Abundantly and overwhelmingly impeached as he is, the majority of the committee have accepted his testimony in preference to that of two Republicans and three Democrats and nine negro voters and three respectable white men, who impeach his character.

I can not discuss these other precincts, but the testimony offered by the contestant is on a par with that offered in these three precincts. In nearly every case they are ignorant, vicious, uneducated negroes, who have been drilled and instructed what to say, and upon whose testimony alone, although contradicted, not only by the solemn returns of the election officers, but by testimony under oath of respectable white citizens, the various precincts have been rejected by the majority of the committee.

Time forbids me to discuss all, but I desire to call attention to the City precinct, and first as to the law. The majority reject this precinct because no Republican clerk was appointed. The evidence shows that no clerk was requested to be appointed by the Republicans at this precinct, but they simply requested a marker, and that request was granted. Had a clerk been requested, the inspectors swear that one would have been appointed. The contestant had appointed at this precinct the inspector he requested, and the evidence shows that this inspector received the ballots, and that when they were counted he inspected each one of them. This is testified to by the two Democratic inspectors and is not denied or disputed by the Republican inspector, who for some unaccountable reason, known only to the contestant,

was not placed upon the stand; and the evidence in the record clearly demonstrates that the testimony relied upon, which was taken in chief by the contestant, to attack this precinct, is wholly unreliable.

It is an unusual thing in contested-election cases to deprive the voter of his vote and reject a precinct upon the grounds set forth in the majority report because the election officers have neglected to perform some duty which is merely directory. The omission of the officers to perform a duty imposed by the election law, unless it is mandatory and unless the law expressly declares that the failure to observe such directions shall avoid the election, will not void the poll nor deprive the voter of his vote.

In the case of *Barnes vs. Adams* (2 Bartlett, 764) the committee's report, which was adopted by the House, was in effect as follows:

The officers of election are chosen, of necessity, from among all classes of the people; they are numbered in every State by thousands; they are often men unaccustomed to the formalities of legal proceedings. Omissions and mistakes in the discharge of their ministerial duties are almost inevitable. If this House shall establish the doctrine that an election is void because an officer thereof is not in all respects duly qualified, or because the same is not conducted strictly according to law, notwithstanding that it may have been a fair and free election, the result will be very many contests; and, what is worse, injustice will be done in many cases. It will enable those who are so disposed to seize upon mere technicalities in order to defeat the will of the majority.

These requirements as to the appointment of clerks are not mandatory, but are directory, and an unintentional failure to comply with them would not vitiate the returns. In order for the failure to do certain specified acts or the doing of certain prohibited specific acts to be fatal to the validity of the election, the statute must declare such acts or the omission to do such things as fatal to the election; that is, in order to destroy a return for the failure of the officers to perform certain requirements in the method of conducting the election the law must be mandatory—that is, it must declare that the failure to perform these duties avoids the election.

Ignorance, inadvertence, mistake, or even intentional wrong on the part of the officials should not be permitted to disfranchise the district, and unless the statute plainly shows that the legislature intended compliance with the provision in relation to the manner of procedure as essential to the validity of the election it is to be regarded as directory only. Nor are statutory provisions relating to elections rendered mandatory by the circumstance that the officers of the election are criminally liable for their violation. The rule prescribed by law for conducting elections is designed chiefly to afford opportunity for the people to exercise the elective franchise, and to prevent illegal voting, and to ascertain the true result. As such rules are directory, and not mandatory, a departure from the mode prescribed will not vitiate the returns of the election. (I refer to *Paine on Elections*, 497, 498, and the notes thereto. See also *Rinaker vs. Downing*, decided by Committee on Elections No. 1 in the Fifty-fourth Congress.)

From these principles it must be clear that the failure to appoint a clerk from this list for the contestant was a failure to perform a merely directory duty imposed by statute, and such a failure does not and can not vitiate the poll. Besides, the testimony clearly shows that the omission was not intentional, but a mere oversight, and that duty would have been performed and the provision complied with if the persons named on the list had been presented or had appeared. Besides, the list did not conform to the statute, in that it did not contain the number of names required; and, moreover, it is admitted by the proof and undisputed that O. O. Moore, the only person on this list that was present, was in fact appointed, as requested, and that the only reason another was not appointed was because none were present; and it would be unreasonable to demand that the election should have been delayed until these could be hunted up and produced by contestant's representatives.

I refer also to 6 *American and English Encyclopedia of Law*, page 325; *McCrary on Elections*, 190, and cases cited. In the case of *O'Neill vs. Joy* the views of the minority declare:

No case has been discovered sanctioning the conclusion that the voter should be deprived of his vote by the omission of the election officers to discharge a duty imposed upon them by law. It is only when the statute has declared the ballot to be void or forbids it to be counted that the court have felt obliged to sanction its exclusion.

To same effect is *Paine on Elections*, sections 360-373, note 3; *Quinn vs. Latimore* (120 N. C.); *Clark vs. Robbins* (88 Ill., 498); *Barnes vs. Adams* (2 Bart., 764); *People vs. Wilson* (62 N. Y., 190).

Therefore the conclusion of the majority to reject the returns because of the failure of the election officers to appoint a clerk from the list furnished, who was not present and failed to appear, can not be sustained under the well-settled rules of law; but they are in the face of the law. They, the majority, not only reject the votes, but reject the poll.

The conclusion of the majority of the committee to reject the precinct because there are alleged to be found on the poll list 80 persons who were not registered is equally untenable, and can not

be sustained either by the text writers, decisions of the courts, or the precedents in Congressional contested-election cases. On the subject I call attention to the following: *Paine on Elections*, sections Nos. 359, 360, and 374, and notes; the case of *Dale vs. Irwin* (78 Ill., 170). This case arose under the Illinois statute, which provided that—

No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The supreme court of Illinois held as follows:

It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The court not only decided that rejection of unregistered voters did not invalidate the poll, but that the fact that they were permitted to vote unchallenged, and that the ballots were deposited in box and honestly counted, prevented the rejection of the votes.

In a later case the same court reviewed this case (see *Clark vs. Robinson*, 88 Illinois, page 498) and decided—

That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

How much less would such conduct of election officers invalidate the poll. This last case from Illinois is quoted with approval by the Committee on Elections No. 1, in the Fifty-Fourth Congress, in its report of case of *Rinaker vs. Downing*, which was finally adopted by the House. The House has dealt with the question and has never held that the precinct should be rejected because unregistered voters are permitted to vote; but it has decided that the votes should not be counted, but be deducted from the candidate for whom cast. To this effect are the following: *Payne on Elections* (sections 362, 363); *Finley vs. Walls* (Smith Election Cases, 367); *Bell vs. Snyder* (Smith Election Cases, 247); *McCrary on Elections* (page 445).

I can not dismiss this precinct without calling attention to the passionate manner in which the gentleman from Nebraska [Mr. BURKETT] paraded before the House the fact that there were two men who were run or driven from the polls in this precinct. There is no such testimony. There is in the evidence the testimony of one Aleck Marshall, who testified that he applied on the day of the election to be registered by the registrar, Mr. Bam-burger, but that the registrar declined upon the ground that he had not resided in the precinct long enough; and it is shown that on the same day there were 20 white Democrats who were denied registration by the registrar and 13 negroes. I have this evidence here easily accessible, and it is for the investigation of any member of the House who desires to read it. I have carefully cut it from the record, and here present it.

The other one is Aleck Watts, who testified that he came to the voting place, and that some man cursed at him and told him to get out of the way. Who this man was he was unable to say, but he does say that it was not an officer of the election nor an officer of the town nor a citizen of the town, for he swears that he knows them all. It was some stranger, he says. He further testified that he had been approached by two friends of the contestant, who endeavored to induce him to swear to matters that he did not know of concerning this election at the City precinct. It is clearly demonstrated by the employer of this old negro that he is either an idiot or has very little sense, and that his testimony was unreliable.

These are the two voters, one of whom was not registered and the other a crazy negro; but the gentleman boldly asserts that they were run away from the polls. The evidence in the record, with which he should have been familiar, but of which he did not show a knowledge, contradicts his assertion.

When you take this seat from this contestee, you are compelled to do so upon the evidence of these negroes, two of whom admit their perjury and one of whom is proven to be a perjurer, and who are also contradicted by every election officer at these precincts.

Now I pause, even though my time is short, to ask for a denial of that statement. There being no denial by my friends of the majority, I accept it as the truth, and I will leave the case where it is if I have not proved that statement. Then, gentlemen of the House, are you willing to take from this contestee the seat upon testimony admitted to be perjury? You may do it in an evil hour, you may do it to-day, you may hasten to do it and save your conscience with the belief that you are following the committee. Let the majority members of the committee deny the statement.

I want to remind you that it is not always Mr. Robbins who will be the contestee. The wheel of destiny—of political destiny—turns rapidly. It may be in a close district in after years, yea, next year, that there will be some man who stands here upon a narrower margin of votes than he does, whose seat on that side

may depend upon some one taking the testimony of admitted perjurers. For myself, no matter who it may be, I will never vote to turn him out of this House to which he has been elected, whether Republican or Democrat, upon any such testimony. [Applause.]

I stand here to-day to say that if I remain long enough in Congress—and the prospect is that I shall be here in the next Congress—[applause on the Republican side] and that then the majority will be on this side of the Chamber [applause on the Democratic side], yet I want to serve notice on you now and here that I will never deprive any man of the seat to which he has been elected on testimony admitted to be perjury. I do not care if party lash is laid upon my back, or what party necessities may dictate or party leaders demand, I will never vote to turn any man out of his seat, be he Republican or Democrat, on testimony that is admitted to be perjury. [Applause.] And shame be on those who would!

Mr. BAILEY of Texas. May I interrupt the gentleman from Georgia a moment?

Mr. BARTLETT. Certainly.

Mr. BAILEY of Texas. Do I understand that this case depends upon three precincts?

Mr. BARTLETT. Yes.

Mr. BAILEY of Texas. And the majority unseat the contestee upon the testimony of two men who admit themselves to be perjurers and a third man whose testimony was contradicted and who was successfully impeached?

Mr. BARTLETT. Yes, not sustained by anybody.

Mr. BAILEY of Texas. And the whole case stands on that?

Mr. BARTLETT. Yes. If you take out one of the three, the contestant will lose his case; and if you take all three out, the contestee will have a majority of over 500 votes.

Mr. BAILEY of Texas. And you challenge the gentlemen on that side to deny it?

Mr. BARTLETT. No, I did not challenge them on that side to deny it, but they have not denied it.

Mr. HAMILTON. Oh, yes; I denied it in my speech.

Mr. BARTLETT. But I will prove it by the contestant's own witnesses. I have got it here, and I am going to read it; and you admit Waugh's impeachment in your report. I have read it.

Mr. HAMILTON. The gentleman from Georgia knows that I have a high regard for anything he may say, and I did not want to interrupt him, but now I simply want to enter a denial. That is all.

Mr. BAILEY of Texas. There is no better time than right now.

Mr. HAMILTON. We have entered our denial many times.

Mr. BARTLETT. I beg the gentleman's pardon.

Mr. HAMILTON. But it does not seem to have any effect.

Mr. BARTLETT. But, my friend, did not King swear that the testimony that he gave about Orrville precinct was a lie?

Mr. HAMILTON. You do not mean King?

Mr. BARTLETT. I mean King. I will read the evidence. I will show you that testimony which he gave, undertaking to unseat the contestee, he subsequently admits was a lie. The gentleman should acquaint himself with the record.

Mr. GROSVENOR. Will the gentleman from Georgia allow me an interruption?

Mr. BARTLETT. Certainly.

Mr. GROSVENOR. I am not sure whether I understood the gentleman, and I would like to ask him if I am right in construing his statement. You say you believe that this is a fraudulent claim so far as the contestant is concerned, and accompany it with the threat that should he be unseated you will retaliate in this sort of a case?

Mr. BARTLETT. No; the gentleman misunderstood me. I did not say so. On the contrary, I said there was no power on earth, no party lash, no party dictation, that would compel me upon evidence like this, purchased and perjured as it is, to deprive any man of his seat.

Mr. GROSVENOR. Then what was the application—

Mr. KLUTTZ. Is the gentleman from Ohio a member of the Committee?

Mr. GROSVENOR. I will take care of that. What was the pertinence of the suggestion of the gentleman from Georgia that perhaps there was some other House that would do it?

Mr. BARTLETT. I intended to say that—

Though the mills of God grind slowly, yet they grind exceedingly small; Though with patience He stands waiting, with exactness grinds He all.

You gentlemen by setting an example either by demand of your party or your own volition, unseating a man on testimony like this, set a bad example, which will induce others to follow.

Mr. GROSVENOR. Will the gentleman yield to one other question?

Mr. BARTLETT. Yes; one other question.

Mr. GROSVENOR. Has the gentleman read the record in the case of O'Neill vs. Joy?

Mr. BARTLETT. I have read the reports and I have quoted from the minority report in that case and incorporated it in my

report in this case, which I agree with. If I had been here I would have voted to allow Mr. Joy to retain his seat, and would not have followed blindly the report of the majority.

Mr. GROSVENOR. I wish we could all get together in that way.

Mr. BARTLETT. Ah, that is but another illustration of the truth of the line which I have just quoted, and I may add another: Time at last sets all things even.

In that case the majority on this side of the House blindly followed the committee and did what I believe, on investigation of that case, was not in accordance with the accepted principles of law of the courts, of Congress, or of the country. They turned Mr. Joy out upon a report written by Mr. Josiah Patterson, of Tennessee. Twenty-four months afterward Josiah Patterson himself stood before this House as contestant in an election case; and with even-handed justice this side of the House joined with the other in commending to his own lips the poisoned chalice he had mixed. [Applause.]

Mr. DINSMORE. Is it not a fact that the Republican majority of the committee in this case have refused to follow the minority report of the Republican minority in the Joy case?

Mr. BARTLETT. That is so. But I propose to follow it here and to put the seal of my approbation upon the law as announced by the minority of the committee in that case.

Mr. DINSMORE. And which the other side now rejects.

Mr. BARTLETT. And which they now reject.

But to proceed with the testimony. Andrew King, when first introduced, swore that he marked ten ballots at Orrville for Aldrich, and because there were not that many counted and returned for Aldrich the majority of the committee have thrown out that precinct.

This is the only witness who impeaches the return of the election officers at that precinct. His testimony is not supported by that of the Republican officials, the Republican clerks, or the two Democratic inspectors and the Democratic clerks. Seventy-five voters come up and swear that they voted for Robbins as against Aldrich; and two swear that they voted for Aldrich. Upon the testimony of this admitted perjurer, this precinct is thrown out by the majority of the committee. Let me read what he says:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?

A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.

Q. Are you the same man that testified at Stanton in this case?

A. Yes, sir.

Q. Did you or not testify at Stanton that you voted for Aldrich?

A. Yes, sir.

Q. You were marker here that day, were you not?

A. Yes, sir.

Q. Did you mark any tickets that day for Aldrich here?

A. No.

Q. How many did you swear at Stanton that you marked for Aldrich?

A. Ten.

Q. What induced you to go to Stanton and swear to those facts?

A. They said that I would be paid.

Q. Who told you you would be paid?

A. Simon Rayford.

The evidence discloses that Rayford was the Republican chairman for Orrville beat; and he is the man who induced this negro to swear that he marked for Aldrich.

What else does King say?

Q. How much did they promise you?

A. They said I would get \$7 per day and be gone three days.

[Applause on the Democratic side.]

That is one precinct. This is the only witness who attacks the correctness of the return. He swears that he did not vote for Aldrich, but for Robbins, although he had first sworn he had voted for Aldrich. He swears that he swore to a lie and that he did it upon a promise of \$7 per day for three days—\$21. Now, let my friend from Michigan enter another denial. This purchased, perjured evidence from a vagabond negro is the balm with which you gentlemen undertake to ease your consciences in voting to seat the contestant.

That is not all. I refer to the testimony of one Pet Ulmer, who acted as marker at Cahaba precinct, at which precinct Robbins received 127 votes and Aldrich 54. This man swore that he marked 123 ballots for Aldrich; but subsequently, on the 22d day of March, 1899 (I refer to page 741 of the record), he swore that he did not do so, that he did not keep any memorandum. Why, then, did he swear that he marked 123 ballots? Because Green Cornegie, the negro chairman of the Republican executive committee of Dallas County, told him to "jes swear you marked 123 ballots."

This man Ulmer admits that he was lying; he admits that he did it by direction of the chairman of his county committee. When this House takes into consideration the fact that Mr. Aldrich's manager admits that the election was conducted by his side simply for the purpose of obtaining materials on which to conduct

a contest here, it will be seen what effect his testimony ought to have, when the only evidence by which the attempt has been made to impeach the return is withdrawn and admitted to be false.

Now, I go back to the testimony of King. Here it is. If anybody wants to examine it, I have cut it out. I advise and entreat those gentlemen who would like to examine it to do so. I have marked it and labeled it. If you desire to record the truth, you can not write a verdict on the Journals of this House by accepting and crediting such testimony. And you can not find your verdict in favor of Aldrich unless you take as truth the testimony to which I have referred—testimony tainted with perjury and crime, and for which the contestant's manager in that county is responsible, for he procured it and paid in part for it.

The money paid to this man by the contestant's manager bought this evidence. This was not denied in the ten days that he had to deny it; there is not a word or a syllable of denial by any witnesses, though attention is called to the manager of contestant, who paid the money.

Gentlemen, vote this seat if you will to Mr. Aldrich; upon evidence like this if you will, but do not talk to us about being fair, do not talk to us about being just. The gentlemen of the majority of the committee may have overlooked this testimony, may have followed the contestant's brief; but here it is as I have read it, cut from the record. Deny it if you can. But that is not all.

Mr. DINSMORE. And the contention of the contestant in this case absolutely depends upon that?

Mr. BARTLETT. Yes, sir; absolutely. It depends upon these precincts being rejected and votes counted for the contestant as sworn to by these witnesses.

But, Mr. Speaker, I desire to call your attention to another case, and that is the testimony on which the contestant absolutely relies—the testimony of one Jackson Waugh; he is the contestant's only witness. In this precinct, Union, Aldrich got 76 votes and Robbins 131, as the returns show. The great majority of the votes received by Mr. Robbins in that precinct were taken away, and only 34 were allowed to him and 130 were given to his opponent solely upon Waugh's evidence.

Now, let us examine the testimony in reference to that particular precinct. The testimony shows that J. H. Smith, an intelligent colored man, the Republican chairman for that beat, who was a school-teacher, demanded that he, Smith, should be appointed inspector, and also that Willis Smith and Kent West be appointed, and two other Republicans be appointed clerks.

They were all appointed, and Jackson Waugh was appointed a marker at the request of the Republican chairman for the beat, J. H. Smith. They had also two Democratic inspectors and one marker, as well as one Democratic returning officer. That is to say, there were three Republicans who had represented the contestant in the district—three colored men—and ours on the other side, the white men. In other words, there were three Republicans and four Democrats. Three of them voted for Aldrich and four of them for Robbins. All of them, except Waugh, swear positively that the vote was honestly received and counted correctly; that the ballots were received by the Republican inspectors and counted under the supervision and in the presence of all the Republican officials.

This man Jackson Waugh testifies that after 11 o'clock in the morning he marked 90 ballots and kept a list, and that before 11 he thinks he marked about 40 for Aldrich. According to the returns, Aldrich received only 76 votes, 4 of the ballots not being marked at all, and upon that testimony the majority of the committee gave Aldrich in that precinct 132 votes, the testimony of Jackson Waugh being the only evidence to sustain the finding. He claimed to have kept a list of the 90 voters who appeared at the polls. I have his testimony here in full, and I beg that those gentlemen who will shall take time and read that testimony and see if they can find any justification for the preposterous claim that is made.

A very significant fact in connection with the testimony of this same witness, Jackson Waugh, is that when he was asked to produce the list he pretended to have kept, he swears that he left it at home on the morning of the day he testified. And yet, Mr. Speaker, it was sixty days before the contestant closed his evidence, and the list that Jackson Waugh claims to have kept, and which he had at his home, never was brought to light to corroborate his remarkable statement. He was not asked to bring it by the commissioner who was taking the testimony, and no corroboration was offered of his testimony. His testimony is not corroborated by the Republican clerk of the election, or by any other official, but is flatly contradicted by all. In fact, the testimony shows that he swore to what was not true.

But that is not all. There is testimony directly to the contrary on the part of four young men—men of standing in the community—which establishes precisely the contrary facts to those which have been reported by the majority.

Mr. Aldrich was taking testimony in the County of Dallas in his own behalf, and he had ample opportunity of bringing testi-

mony to sustain this witness if he had desired to do so. He should have sustained him, and his failure to do so is a clear demonstration that this testimony is unworthy of consideration.

But, in addition to this, four reputable white men swore that Waugh's character was bad and that they would not believe him on oath. Of the 8,000 voters in that county, white and colored, not a man has been offered, not a man, woman, or child out of the 40,000 inhabitants of the county, who was willing to say that this man, Jackson Waugh, was worthy of belief. Nor did he make any effort to disprove the statement of Andrew King and Pet Ulmer, that they had been induced by his managers to swear falsely and had been promised to be paid for the perjury. It must be taken, then, as admitted by the contestant that these three witnesses are impeached and their credibility destroyed, and with their evidence goes the case.

It must stand or fall by and with them. I repeat, when you take this man's seat, if you take it—and I should like gentlemen to hear what I say—you take it upon the admitted perjured, lying, villainous, infamous testimony of Andrew King, Pet Ulmer, and Jackson Waugh. And if Robbins is to be turned out because of such testimony, why, he can go to his home with no spot or blemish upon him; but the dishonor, if dishonor there be, will be transferred to those gentlemen who are willing to outrage the law, the rules of evidence, and the rules of proper construction of testimony.

Now, Mr. Speaker, that is the truth about this case. Will the gentleman deny it? If he does, there is the evidence of the admitted perjury and the proven perjury; there it is, cut from the record in this case—only a few pages; let those who desire read it.

One word, Mr. Speaker, before I come to the discussion of the City precinct. The City precinct of Selma contains 10,000 inhabitants. It has a registered vote of about thirteen hundred. I have gone over the registration list, those that are marked white and colored, and as nearly as I can arrive at the fact four-fifths of the registered voters of Selma precinct are white. They cast a little over 1,000 votes in this election. Of those 72 were returned for Aldrich and 900 and over for Robbins.

But what is the truth about that precinct? It is that Mr. Aldrich himself and Mr. Aldrich's district manager, Mr. Dean, asked for the appointment of Golson, a Populite, and he was appointed. They did not ask for the appointment of any other officer except a marker. Although the list that was furnished, not complying with the law, contained only five names, they appointed O. O. Moore as a marker, and the representative of Aldrich who presented the list agreed that they did not need a clerk. No one was there to demand a clerk, but they got Moore for a marker and Golson for their inspector; and R. D. Walker and J. L. Clay were the Democratic inspectors. The Republican marker does not show that there was any fraud. The contestant dared not introduce his inspector; and all the Democratic officials testify and fully sustain the returns. Every ballot was inspected and counted by the Aldrich inspector.

Now, I deny that there ever was a decision, or that there ever was any law, or that any court presided over by a judge, or any partisan court composed of the members of a legislature or members of the House, that ever held that because the officers of election failed to comply with requirements which are not mandatory, such conduct invalidated the election. I have abundant authority here and have read some of the cases which sustain my contention, and I assert that no case can be found in the books, so far as I have been able to search them—and I have given the subject very patient research—where the courts have ever decided that you could throw out the vote of a precinct because an unregistered voter was allowed to vote there. I call as a witness to my statement the decision of the supreme court of Illinois, the gentleman's own State.

Mr. MANN. If the gentleman will pardon me, we do not have any such frauds in our State as there are in this case—not even when the Democrats are in control.

Mr. BARTLETT. Ah, Mr. Speaker, that is a fitting reply to a legal proposition. When you undertake to throw out this whole precinct because eighty-five or sixty men voted who were not registered, it is a fitting reply to say you do not have such frauds in Illinois. You did have them. Why, your very managers in this case, reported in 78 and 83 Illinois, permitted six or eight or ten men to vote who were not registered, and it was charged that it was fraudulent and that the poll should be thrown out, the same contention that you make here as to the City precinct.

Your own supreme court said it did not invalidate the poll, and they not only sustained the precinct, but counted the votes. Now, if the gentleman is not familiar with his own supreme court cases, he should take them and study them. Here they are. I will cheerfully furnish them to him.

Mr. MANN. If the gentleman will pardon me, I think I am fully familiar with the law of Illinois, and the law is good law, but it has no application whatever to this case, not the slightest.

Mr. BARTLETT. Why, that reminds me of an incident which

occurred when I was studying law. One of my fellow-students asked our distinguished preceptor, "Colonel, if I have not got the law on my side, what am I to do?" Said he, "Give them the devil on the facts." "But," asked the student, "when I have not any facts on my side, what am I to do?" He said, "Then pitch in and give them the dickens on the law." "But," said he, "suppose I have got neither law nor facts on my side?" "Then," said he, "give the party and counsel on the other side hell." [Laughter.]

Mr. MANN. That is just what the gentleman is doing at present.

Mr. BARTLETT. Ah, Mr. Speaker, I am not able to inflict upon the gentleman the punishment which his own conscience ought to inflict for this report. [Applause on the Democratic side.] Having neither law nor facts, the gentlemen on the other side have not discussed the law or the evidence; they have contented themselves with denouncing the South and its election laws and methods. But here are the decisions of the gentleman's own court, which sustain my contention and absolutely destroy his.

Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman has used an hour, lacking five minutes.

Mr. BARTLETT. Well, I have all the remaining time on this side.

The SPEAKER pro tempore. The gentleman, then, has seven minutes additional, or twelve minutes in all.

Mr. BARTLETT. Then, Mr. Speaker, I can not do better than to enlighten my friend from Illinois about the cases decided by the supreme court of his own State. Here was a case in 78 Illinois, page 111 and page 170, the case of Dale against Irwin.

I thought, Mr. Speaker, that my friend had forgotten the decisions of his own court, and I am glad that I am permitted to instruct him briefly in what the law of this case is as decided by the supreme court of his own State.

In 78 Illinois, in the case of Dale vs. Irwin, page 170, construing the statutes of that State, the supreme court said that the statutes of Illinois provided that—

No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The court held as follows:

It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The supreme court of Illinois again, in construing a case where there had been a dispute about permitting to be deposited in the ballot box ballots of voters who had not registered in accordance with the law, decided, in the case of Clark vs. Robinson (88 Illinois Report, page 498), as follows:

That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

And yet the gentleman decides this case in the face of his own supreme court; and I call the attention of the gentleman from Pennsylvania to the celebrated case from his State of Cavode vs. Foster, which follows the rule just cited. I could cite a large number of cases. Here are the decisions that the deposit of an unregistered ballot in the box does not destroy the poll; and what do you gentlemen do? You destroy both the vote and the poll.

The case of Dale vs. Irwin was reviewed again in 88 Illinois, where the same statute was again construed. Mark you, the statute of Illinois does not permit the deposit of a ballot in a box unless the voter was registered on the Tuesday before the election. What did they say? That the prohibition of the statute in this regard was but directory, in receiving such a vote, and that the failure of observance of this directory action would not invalidate such a vote which had been received at the poll in the election and deposited in the box. Yet read the report of this majority as to the City precinct. Why do they reject it? Because the poll shows that some 80 votes were put in that were not registered.

In the State of Illinois it was decided by the supreme court that they would not cast out the polls nor the ballots because 6, 8, 10, or 80 unregistered voters had cast their ballots in the precinct attacked. That is not all. I hope my friend will show greater confidence in the supreme court of Illinois and exhibit more respect for its decisions. He appears to have come to the conclusion that the court was guilty of a great error and wrong when they made this decision upon their statute, and which, had he followed, he could not have rejected the City precinct and thus have taken from the contestee over 400 votes.

Mr. MANN. The gentleman need not be alarmed. The supreme court and I get along very nicely.

Mr. BARTLETT. I expect so; but in this case the gentleman is wiser than the supreme court is, when he undertakes to destroy the right of a man to a seat on this floor by overriding the decisions of the supreme court of Illinois and is at the same time utterly disregarding the precedents of this House, which I have quoted in this report.

There was a decision made in the case from Illinois in the Fifty-fourth Congress, a case to which I wish my friend would listen in this case. It was the case of Rinaker vs. Downing. It was before this same Committee on Elections No. 1, the report being signed by Mr. LINNEY, at present a member of this committee, and the chairman and all the Republican members of the committee, except the gentleman from Massachusetts [Mr. MOODY]. The report unseated the Democratic contestee, and in that report, which I have here, they decided that the deposit of ballots of unregistered voters in the ballot box did not deprive the voter of his vote or impair the poll, and Rinaker was to be given his seat in this House on account of four men who had voted in that way; and finally was seated by a majority of 1, and that, too, after counting the ballots of these unregistered voters.

Now, it is true I did not vote for that report at that time, because I insisted that there should be a recount of the ballots, and the House sustained me. Mr. MOODY and myself, the members of the minority upon that committee, made the report, and we submitted our contention to the House, and the House sustained us and set aside the report, but finally adopted it after we had a recount of the ballots. So the majority report as to this question was finally adopted; and if precedents count for anything, it should control now.

Now there are two Illinois cases, one by the supreme court of Illinois and one by the House here. It is a good law for an Illinois election case, but is disregarded when the rule is applied to an Alabama case.

I refer now to the case of O'Neill against Joy. In that case the minority made a report to this House against unseating the Republican, and in discussing the rule, say:

No case could be found or discovered which shows that the voter should be deprived of his vote by the omission of the election officers to discharge the duty imposed upon them by law. It is the manner in which the State declares the ballot to be voted and to be counted for the man for whom it was cast.

Now, I want to refer the New York lawyers to the case of the People against Wilson (62 New York), where the very question is decided and where the New York court of appeals decided that the permitting of unregistered voters to vote does not invalidate the poll.

But why waste my time, Mr. Speaker, in endeavoring to convince the majority of the House of the law of the case on this adjudicated question? The gentlemen on that side have not cited a solitary authority or a precedent to sustain their new and startling propositions when they reject the poll and refuse to count the votes proven. They have not cited a single proposition of law or a single precedent where they have been permitted to reject a precinct for failure to give representation to the contestant and not count any votes, and in the very next precinct reject it for the same reason and count all the votes the contestant has proved. It is a shifting rule that you have adopted, made to suit the exigencies of the case.

In Orrville, where Mr. Robbins proved 75 votes and Aldrich 3, according to the report you do not give him a vote; in Valley Creek, where Aldrich proves 143 and Robbins 44, you give Aldrich what he proves and Robbins what he proves. The rule is a good one when it benefits Aldrich, but it is a poor rule when it benefits Robbins. It will not do to cast out all the precincts and count the proven votes, for then Robbins is clearly elected; the only way to defeat him is to do as the committee has done. If all the precincts attacked are disregarded and only those votes counted which each proved, then Robbins has a majority of 389. To refuse to do so is to violate all rules of law and justice.

This is a legitimate criticism on their report made to this House, which denounces one precinct because of fraud and then proceeds to the next precinct and denounces it as fraudulent for the same reason, but counts the votes which it would not count in the other precincts. Now, here is the report of the majority of the committee by which they admit that in the four precincts discarded entirely Robbins proved 161 votes, but nowhere do they count them for him. Even the votes admitted by contestant for contestee in his brief are not counted by the majority. They count less than he admits.

Mr. Speaker, it would take much more time than I have at my disposal to go over all these precincts. I desire to refute the statement that in the City precinct these people got their tickets from stores and piazzas, and outside of the election room. Such allegations are not sustained by the evidence, for it is explained by nearly every witness, and the evidence shows that instead of its being at this election in November, 1898, it was in the previous primary elections, where there was no official ballot, and the witness evidently confused the two elections, four of which were held in the summer and fall of 1898. Besides the election officers at the precinct clearly demonstrate that no voter got a ticket and voted it except it was an official ticket.

Now, I want to say that the charge that Mr. Aldrich should be seated because he and Robbins had a fist fight, where Aldrich instigated the trouble and made a slanderous report with reference

to Robbins, and when Aldrich's attention was called to it he did not deny it, and Robbins slapped him in the face and beat him with nature's own weapons, ought not to have any weight in this proceeding. It is true that when Aldrich's men undertook to interfere and take hold of Robbins, one of the bystanders simply said, "We are going to have fair play," and stood them off until Aldrich said he had enough. Moreover, this fight in which a man was killed, which has been referred to here for the purpose of stirring up animosities, was a drunken barroom brawl, and the man that was shot struck the first blow—struck a man in the face and knocked him down, and in the struggle the pistol was fired and the bullet struck him in the hip and he died, not because the wound was mortal, but from blood poisoning. This occurred long after the election.

Now, what has this fight and all these matters like it to do with this election case; how do they sustain the contestant's case? What have all these brawls on the streets and barroom fights to do with this case? Nothing, Mr. Speaker, except to excite prejudice; and they are used to stir up animosities, to warp the judgment, and hurry you to a verdict not justified by the law or the facts. They are brought into this House after they have been discarded by the committee, and it is demanded that you render a decision depriving the contestee of his seat, not because the contestant was elected, but because there have been in Dallas County drunken brawls and personal difficulties long after the election was held.

Mr. Speaker, my time is gone. The case can not be argued in the time that remains to me. Some may say the time was wasted. It may be so. I have endeavored to demonstrate that the evidence does not justify the unseating of this contestant; that it utterly fails to show that the contestant was elected, but demonstrates that the contestee was elected.

Again I demand of the majority of the committee that they refute from the evidence, the statement that this case hangs by the rotten, slender thread of the testimony of three witnesses, two self-confessed perjurers and the other one a proven perjurer. In every precinct the returns are sustained by reputable witnesses whose characters are not even attacked. Gentlemen of the other side, take this contestant and admit him to a seat and to your councils upon the testimony which he and his managers have manufactured, purchased, and paid for; take him, and have the consolation to know that in doing so he is a pretended Republican. To use the language of a prominent and respected Alabama white Republican:

An enemy, claiming to be within our own ranks, confronts us. The principles of the Republican party are sought to be subordinated to the debauchery and hope for greed of some of those heretofore trusted, and in whose sense of honor and decency we had relied. Through the corrupt influence of an alien to our principles, aided by the mean use of money, I am unable longer to continue the unequal fight against this pseudo nominee—the Populites candidate for Congress in our district.

Let his own conduct and language in 1896 describe who he is. Here it is:

Upon the reassembling of the State executive committee of the People's party, after dinner, Mr. W. F. Aldrich asked the privilege of a personal explanation. He said that he had been represented as a candidate for governor, but that he was not a candidate for that position, although he was sensible of the high honor. Mr. Aldrich was asked as to how he stood on the money plank of the Omaha platform. He replied that he was in full agreement with the money plank of the Omaha platform. He was asked as to how he would vote in the national election in 1896 as between a gold-standard Republican candidate for the Presidency upon a gold-standard platform and a Presidential candidate of the People's Party on the Omaha platform. He replied that he would in that event support the candidate of the People's Party. He said the fact was that he was a genuine Greenbacker.

Mr. Aldrich was warmly applauded upon these statements. * * * When he closed his speech, he was asked by William Denman if he was going to support Mr. McKinley on his goldbug platform, and his reply was that if the Populites nominated Mr. Teller, who was a protectionist and a free-silver man, he would vote for him, but if they did not he would vote for Mr. McKinley. He further said that Mr. McKinley was in favor of bimetalism and wanted the St. Louis convention to adopt a free-silver plank in their platform, but that the New York delegates would have bolted, and that a gold platform was adopted to please them.

But I have done. If all the facts of this case, as they have been proven and not disputed, sustained by reputable witnesses, as honest and reputable men as any State in this Union can produce, can not induce you to do this contestee that even-handed justice which impartial judges and jurors would promptly render him, were the case being tried in a court of law, then all effort is vain, Mr. Speaker. I have but to add, "Let down the curtain, the farce is done." [Applause on the Democratic side.]

Mr. TERRY. Mr. Speaker, I want to say just a few words on this question.

Mr. MANN. I think I am entitled to the floor, if the gentleman from Arkansas [Mr. TERRY] will excuse me.

Mr. TERRY. I was recognized, as I understand, by the Chair. I want to say only a few words on this matter. I will not take long.

The SPEAKER pro tempore (Mr. ALEXANDER). Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Arkansas?

Mr. MANN. I can not. I have only about ten minutes left. The time of gentlemen on the other side, under the agreement, has

expired. I am very sorry to be obliged to refuse to yield. If I had more time I should be glad to do so.

Mr. TERRY. How much time has the gentleman?

Mr. MANN. About eight minutes.

Mr. BARTLETT. If I had the time, I would yield to my friend from Arkansas.

Mr. TERRY. If the gentleman from Illinois has only ten minutes left, I do not ask him to yield to me.

Mr. MANN. Mr. Speaker, it will not be expected, of course, that I should attempt to reply seriatim to the arguments or statements made by gentlemen on the other side of the House. But I wish again to call the attention of the House to the record of the committee which has reported this case to the House. The Committee on Elections No. 1 in the Fifty-fifth and Fifty-sixth Congresses has had pending before it eleven election cases with Republican contestants and Democratic contestees. In no case has a report been made to this House by that committee in favor of a Republican or against a Democrat except in this one district of Alabama, and that solely on account of election frauds in Dallas County. I ask the House to sustain the action of this committee, which has examined these cases with care, with caution, with nonpartisanship.

In this Congress our committee has already reported in favor of retaining in his seat the Democratic member from Louisville, Ky. "Ah," the gentleman from New York the other day said, "you made that report because you were justified by the facts." Aye, Mr. Speaker, we reported in favor of Turner and against Evans because the evidence before our committee did not warrant us in deciding in favor of Evans; and in this case we have reported in favor of Aldrich and against Robbins because the evidence shows that the election machinery in Dallas County reeks with fraud. It is not the kind of fraud, Mr. Speaker, that comes stealthily in through the open window; it is the kind of fraud that stalks boldly in through the open door. There is not a precinct where we have found against the contestee that is not alive with the vermin of fraud. There is not a precinct where we have found against the contestee that is not slimy with fraud.

The gentleman from Alabama has endeavored to cite particular instances. We did not throw out the vote of the city of Selma because 85 men not entitled to vote did vote. We threw it out because (apart from other reasons) the conduct of the election officers at that precinct covered the election there with fraud.

Mr. Speaker, we have proven our case. The committee has examined the record in this case conscientiously and carefully—a record covering 900 closely printed pages. The committee, who have read every page of this testimony, who have considered every argument of counsel, submit to you a dispassionate, nonpartisan report. They ask you to seat the contestant, Mr. Aldrich.

It is true that Mr. Aldrich is a Republican and that the contestee is a Democrat. Doubtless that is a sufficient reason with gentlemen on the other side for voting for the contestee. But we do not ask you to vote for the contestant merely because he is a Republican. Ah, Mr. Speaker, it means something for the contestant to be a Republican in that Congressional district. His principal manager has been murdered in that county because this contest was inaugurated. He himself has been assaulted because the contest was inaugurated. Gentlemen on the other side may give reasons as they please; the facts are that Mr. Aldrich, who has had the honor, the nerve, and the daring in this Alabama district to stand up as a Republican, has been assaulted, has been abused, has been defrauded by every machination which human ingenuity could devise, and by every scheme which the fertile resources of those gentlemen conducting the election on the other side could imagine.

Mr. Aldrich appears before this House not asking favors, only asking justice at your hands. He has not been afraid to stand up for the rights of man. I appeal to the other side of the House, who have talked so much about the "right of self-government" and the right of foreign races to govern themselves; I appeal to them to rise above partisanship and to show that they are greater than mere Democrats. I ask them to vote against the frauds in the elections in this district and in favor of the man who was elected by the votes of the district. And I appeal to the Republicans to reward the honest, faithful efforts of the committee on their side of the House to reach a righteous conclusion in this case and to support the report of the committee. We have done our duty. Mr. Aldrich has done his duty. It remains for the members of this House to do their duty by casting their votes in favor of righteous self-government, in favor of honest elections, and against the most outrageous frauds that have ever been known in this country. [Applause.]

Mr. BARTLETT. I ask that the resolutions submitted by the minority of the committee be now read and that they be substituted for those offered by the majority of the committee.

The SPEAKER. What is the request of the gentleman?

Mr. BARTLETT. Mr. Speaker, as I understand the situation,

the majority in this case have reported certain resolutions and the minority certain other resolutions. Following the ordinary course, as I understand, I now move that the resolutions submitted by the minority be substituted for those of the majority.

Mr. MANN. The agreement was, I understand, that the original resolutions should be considered as before the House and also the substitute resolutions.

Mr. BARTLETT. Yes, sir.

Mr. MANN. I suppose the vote will be taken on the substitute first?

Mr. BARTLETT. That was the purpose of my motion.

Mr. MANN. It does not require any motion, I believe.

Mr. BARTLETT. My remark was rather in the shape of a parliamentary inquiry.

The SPEAKER. The Chair is of opinion that inasmuch as the previous question was ordered upon the original resolutions and the substitute, the question is now on the adoption of the substitute.

Mr. BARTLETT. Upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MANN. Mr. Speaker, before the vote is taken, I would ask the reading of the substitute resolutions proposed by the minority of the committee.

The SPEAKER. Without objection, the resolution of the minority will be again read.

The substitute resolutions were read, as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

Resolved, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

The SPEAKER. The question is on agreeing to the adoption of the resolutions which have just been read as a substitute for the resolutions presented by the committee, on which the gentleman from Georgia asks the yeas and nays.

Mr. MANN. I join in the request of the gentleman from Georgia for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 138, answered "present" 5, not voting 73; as follows:

YEAS—134.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth,
Allen, Miss.	Denny,	McCulloch,	Sheppard,
Atwater,	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims,
Ball,	Elliot,	McRae,	Slayden,
Bankhead,	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spight,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Taylor, Ala.
Brewer,	Hay,	Quarles,	Terry,
Brundidge,	Henry, Miss.	Ransdell,	Thayer,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thomas, N. C.
Burleson,	Howard,	Rhea, Va.	Turner,
Burnett,	Johnston,	Richardson,	Underhill,
Caldwell,	Jones, Va.	Ridgely,	Underwood,
Chanler,	Kitchin,	Riordan,	Vandiver,
Clark, Mo.	Kleberg,	Rixey,	Wheeler, Ky.
Clayton, Ala.	Kluttz,	Robb,	Williams, J. R.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, Miss.
Cochran, Mo.	Lanham,	Robinson, Ind.	Wilson, Idaho
Cooney,	Latimer,	Robinson, Nebr.	Wilson, N. Y.
Cowherd,	Lester,	Rucker,	Wilson, S. C.
Crawford,	Levy,	Ruppert,	Young, Va.
Cummings,	Lewis,	Ryan, N. Y.	Zenor,
Davenport, S. W.	Little,	Ryan, Pa.	Ziegler,
Davis,	Livingston,	Salmon,	
De Armond,	Lloyd,	Scudder,	

NAYS—138.

Adams,	Calderhead,	Faris,	Hoffecker,
Alexander,	Cannon,	Fletcher,	Hopkins,
Allen, Me.	Capron,	Fordney,	Howell,
Babcock,	Clarke, N. H.	Foss,	Hull,
Bailey, Kans.	Cochrane, N. Y.	Fowler,	Jack,
Baker,	Connell,	Gamble,	Jenkins,
Barham,	Cooper, Wis.	Gardner, Mich.	Jones, Wash.
Barney,	Corliss,	Gardner, N. J.	Kahn,
Bingham,	Cousins,	Gill,	Ketcham,
Boutell, Ill.	Cromer,	Gillett, Mass.	Knox,
Bowersock,	Crump,	Graff,	Lacey,
Brick,	Crumpacker,	Graham,	Landis,
Bromwell,	Curtis,	Greene, Mass.	Lane,
Brosius,	Cushman,	Grosvenor,	Lidney,
Brown,	Dahle, Wis.	Grout,	Littauer,
Brownlow,	Dalzell,	Grow,	Littlefield,
Bull,	Davenport, S. A.	Hamilton,	Long,
Burke, S. Dak.	Davidson,	Haugen,	Lorimer,
Burkett,	Dick,	Hedge,	Lovering,
Burleigh,	Driscoll,	Henry, Conn.	Lybrand,
Burton,	Eddy,	Hepburn,	McCleary,
Butler,	Esch,	Hill,	McPherson,

Mahon,	Mudd,	Roberts,	Tawney,
Mann,	O'Grady,	Russell,	Taylor, Ohio
Marsh,	Otjen,	Shattuc,	Thomas, Iowa
Mercer,	Overstreet,	Shelden,	Tongue,
Mesick,	Payne,	Sherman,	Wachter,
Metcalf,	Pearce, Mo.	Showalter,	Wanger,
Miller,	Pearre,	Smith, H. C.	Waters,
Minor,	Phillips,	Smith, Samuel W.	Weaver,
Mondell,	Powers,	Sperry,	Weeks,
Moody, Mass.	Prince,	Stevens, Minn.	White,
Moody, Oreg.	Pugh,	Stewart, N. J.	Young, Pa.
Morgan,	Ray,	Stewart, Wis.	
Morris,	Reeder,	Sulloway,	

ANSWERED "PRESENT"—5.

Bartholdt,
Loudenslager,

Naphen,

Needham,

Van Voorhis.

NOT VOTING—73.

Acheson,	Emerson,	Lentz,	Sparkman,
Bishop,	Fitzgerald, N. Y.	Loud,	Sprague,
Boreing,	Fitzpatrick,	McCall,	Stallings,
Boutelle, Me.	Fleming,	Miers, Ind.	Steele,
Bradley,	Fox,	Moon,	Stewart, N. Y.
Broussard,	Freer,	Norton, Ohio	Sulzer,
Campbell,	Gayle,	Norton, S. C.	Tate,
Carmack,	Gibson,	Olmsted,	Thropp,
Catchings,	Gillet, N. Y.	Packer, Pa.	Tompkins,
Cooper, Tex.	Gordon,	Parker, N. J.	Vreeland,
Cox,	Hall,	Polk,	Wadsworth,
Crowley,	Hawley,	Reeves,	Warner,
Cusack,	Heatwole,	Robbins,	Watson,
Daly, N. J.	Hemenway,	Rodenberg,	Weymouth,
Davey,	Hitt,	Smith, Ill.	Williams, W. E.
Dayton,	Jett,	Smith, Ky.	Wright.
Dolliver,	Joy,	Smith, Wm. Alden	
Dougherty,	Kerr,	Southard,	
Dovener,	Lawrence,	Spalding,	

So the substitute was rejected.

Mr. VAN VOORHIS. Mr. Speaker, I find that I am paired with my colleague, Mr. GORDON. I have voted upon this question, but ask that the vote be withdrawn.

The SPEAKER. The vote of the gentleman will be withdrawn, if there be no objection.

There was no objection.

The following pairs were announced from the desk:

For this session:

Mr. REEVES with Mr. SPARKMAN.

Mr. WRIGHT with Mr. HALL.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Until further notice:

Mr. BOREING with Mr. FITZPATRICK.

Mr. HITT with Mr. CARMACK.

Mr. STEELE with Mr. CUSACK.

Mr. MCCALL with Mr. FOX.

Mr. DAYTON with Mr. DAVEY.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. SPALDING with Mr. MOON.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GIBSON with Mr. TATE.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Mr. WATSON with Mr. DALY of New Jersey.

Mr. GILLET of New York with Mr. GAYLE.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. SPRAGUE with Mr. SMITH of Kentucky.

For this day:

Mr. ACHESON with Mr. SULZER.

Mr. DOVENER with Mr. CATCHINGS.

Mr. LAWRENCE with Mr. FLEMING.

Mr. WM. ALDEN SMITH with Mr. LENTZ.

Mr. JOY with Mr. NAPHEN.

Mr. BISHOP with Mr. CAMPBELL.

Mr. STEWART of New York with Mr. FITZGERALD of New York.

Mr. HEATWOLE with Mr. CROWLEY.

Mr. LOUD with Mr. JETT.

Mr. KERR with Mr. COX.

Mr. BARTLETT. Mr. Speaker, I ask that the vote be recapitulated. I do not know how close it may be; but this is an important question, and I think it ought to be read in the hearing of the House.

The SPEAKER. The Chair believes in a case of this kind that it would be well to have a recapitulation of the vote, and will order it, so that the names of members who have voted on each side be accurately noted, especially in view of the fact that some gentlemen are announced as being paired who have voted on this question.

The roll call was recapitulated as above.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the original resolutions presented by the Committee on Elections—

Mr. BARTLETT. On that, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. I ask that the resolutions which are about to be voted upon be read, if that can be done.

The SPEAKER. In the absence of objection, the original resolutions will be reported.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

The question was taken; and there were—yeas 141, nays 135, answered "present" 6, not voting 67; as follows:

YEAS—141.

Adams,	Dahle, Wis.	Jenkins,	Pearce, Mo.
Alexander,	Dalzell,	Jones, Wash.	Pearre,
Allen, Me.	Davenport, S. A.	Kahn,	Phillips,
Babcock,	Davidson,	Ketcham,	Powers,
Bailey, Kans.	Dick,	Knox,	Prince,
Baker,	Dolliver,	Lacey,	Pugh,
Barham,	Driscoll,	Landis,	Ray,
Barney,	Eddy,	Lane,	Reeder,
Bingham,	Esch,	Linney,	Roberts,
Boutell, Ill.	Faris,	Littauer,	Rodenberg,
Bowersock,	Fletcher,	Littlefield,	Russell,
Brick,	Fordney,	Long,	Shattuc,
Bromwell,	Foss,	Lorimer,	Shelden,
Brosius,	Fowler,	Lovering,	Sherman,
Brown,	Gamble,	Lybrand,	Showalter,
Brownlow,	Gardner, Mich.	McCleary,	Smith, H. C.
Bull,	Gardner, N. J.	McPherson,	Smith, Samuel W.
Burke, S. Dak.	Gill,	Mahon,	Sperry,
Burkett,	Gillett, Mass.	Mann,	Stevens, Minn.
Burleigh,	Graff,	Marsh,	Stewart, N. J.
Burton,	Graham,	Mercer,	Stewart, Wis.
Butler,	Greene, Mass.	Mesick,	Sulloway,
Calderhead,	Grosvenor,	Metcalf,	Tawney,
Cannon,	Grout,	Miller,	Taylor, Ohio
Capron,	Grow,	Minor,	Thomas, Iowa
Clarke, N. H.	Hamilton,	Mondell,	Tongue,
Cochrane, N. Y.	Haugen,	Moody, Mass.	Wachter,
Connell,	Hedge,	Moody, Oreg.	Wanger,
Cooper, Wis.	Henry, Conn.	Morgan,	Waters,
Corliss,	Hepburn,	Morris,	Weaver,
Cousins,	Hill,	Mudd,	Weeks,
Cromer,	Hoffecker,	O'Grady,	White,
Crump,	Hopkins,	Otjen,	Young, Pa.
Crumpacker,	Hopkins,	Overstreet,	
Curtis,	Hull,	Parker, N. J.	
Cushman,	Jack,	Payne,	

NAYS—135.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth,
Allen, Miss.	Denny,	McCulloch,	Sheppard,
Atwater,	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims,
Bail,	Elliott,	McRae,	Slayden,
Bankhead,	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spigitt,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Tate,
Brewer,	Hay,	Quarles,	Taylor, Ala.
Brundidge,	Henry, Miss.	Ransdell,	Terry,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thayer,
Burleson,	Howard,	Rhea, Va.	Thomas, N. C.
Burnett,	Johnston,	Richardson,	Turner,
Caldwell,	Jones, Va.	Ridgely,	Underhill,
Chanler,	Kitchin,	Riordan,	Underwood,
Clark, Mo.	Kieberg,	Rixey,	Vandiver,
Clayton, Ala.	Kluttz,	Robb,	Wheeler, Ky.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, J. R.
Cochran, Mo.	Lanham,	Robinson, Ind.	Williams, Miss.
Cooney,	Latimer,	Robinson, Nebr.	Wilson, Idaho
Cowherd,	Lester,	Rucker,	Wilson, N. Y.
Crawford,	Levy,	Ruppert,	Wilson, S. C.
Cummings,	Lewis,	Ryan, N. Y.	Young, Va.
Davenport, S. W.	Little,	Ryan, Pa.	Zenor,
Davis,	Livingston,	Salmon,	Ziegler,
De Armond,	Lloyd,	Scudder,	

ANSWERED "PRESENT"—6.

Bartholdt,	Napthen,	Southard,	Van Voorhis.
Bishop,	Needham,		

NOT VOTING—67.

Acheson,	Emerson,	Kerr,	Spalding,
Boreing,	Fitzgerald, N. Y.	Lawrence,	Sparkman,
Boutelle, Me.	Fitzpatrick,	Lentz,	Sprague,
Bradley,	Fleming,	Loud,	Stallings,
Broussard,	Fox,	Loudenslager,	Steele,
Campbell,	Freer,	McCall,	Stewart, N. Y.
Carmack,	Gayle,	Miers, Ind.	Sulzer,
Catchings,	Gibson,	Moon,	Thropp,
Cooper, Tex.	Gillet, N. Y.	Norton, Ohio	Tompkins,
Cox,	Gordon,	Norton, S. C.	Vreeland,
Crowley,	Hall,	Olmsted,	Wadsworth,
Cusack,	Hawley,	Packer, Pa.	Warner,
Daly, N. J.	Heatwole,	Polk,	Watson,
Davey,	Hemenway,	Reeves,	Weymouth,
Dayton,	Hitt,	Smith, Ill.	Williams, W. E.
Dougherty,	Jett,	Smith, Ky.	Wright,
Dovener,	Joy,	Smith, Wm. Alden	

So the resolutions were agreed to.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move to reconsider the vote just taken and to lay that motion upon the table.

Mr. BARTLETT. Upon that, Mr. Speaker, I call for the yeas and nays.

Mr. HOPKINS. Oh, no; the gentleman will not do that.

Mr. BARTLETT. Yes, I will.

Mr. MANN. Then, Mr. Speaker, I withdraw the motion to reconsider.

Mr. BARTLETT. I withdraw the demand for the yeas and nays.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the resolutions were agreed to, and also moves to lay the latter motion upon the table. Without objection, the latter motion will be agreed to.

Mr. MANN. I ask that Mr. Aldrich appear at the bar of the House and be sworn in, Mr. Speaker.

The SPEAKER. The gentleman will step forward.

Mr. Aldrich came to the bar of the House; and the Speaker administered the oath of office to him.

PRIVATE PENSION BILLS.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Rules to submit the following report.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom were referred resolutions of the House numbered 18, 123, 135, and 157, have had the same under consideration, and respectfully report in lieu thereof the following:

Resolved, That during the remainder of this Congress the second and fourth Fridays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXIV and section 1 of Rule XXVI are hereby modified to conform herewith. And on each bill considered under this rule there shall be allowed ten minutes of debate in favor of the bill and ten minutes in opposition thereto.

Mr. DALZELL. Mr. Speaker, in brief, the object of this rule is to substitute two days in each month for the Friday evening sessions for pension business, and to abolish the Friday evening sessions.

Mr. RICHARDSON. I would like to have some explanation of the latter part of the rule, which gives ten minutes for debate on each side.

Mr. DALZELL. The latter part of the rule provides that there shall be twenty minutes' debate upon each pension bill.

Mr. HOPKINS. Ten on a side.

Mr. DALZELL. Ten on a side—that is, we have adopted a rule that has prevailed at times in previous Congresses, and has been found to work satisfactorily.

Mr. LACEY. I want to ask the gentleman a question.

Mr. RICHARDSON. One moment. I hope the gentleman will allow me.

The SPEAKER. The gentleman from Tennessee has obtained permission of the gentleman from Pennsylvania to ask him a question.

Mr. RICHARDSON. I only want to say that this is an entirely new provision in the first consideration of pension bills. We have never had any limit under any rule for the consideration of a bill in the first case; but the rule to which the gentleman refers was only applied where the bill had received consideration in Committee of the Whole at a Friday evening session and had been favorably reported to the House, and then in the House there was this limit of debate of which the gentleman speaks, but as a fact there has been no limit of debate in Committee of the Whole as to each particular bill.

Mr. DALZELL. I think my friend from Tennessee is mistaken. I think the rule is entirely like that of previous Congresses. The gentleman can see very readily, without undertaking to enter into a discussion of the reason for this rule, that the same influences that operated to prevent pension legislation at these night sessions can operate to prevent any pension legislation if there be no limit of debate.

Mr. LACEY. Now, will the gentleman allow me to ask him a question?

Mr. DALZELL. I yield to the gentleman for a question.

Mr. LACEY. I notice that the rule then proposes to consider bills removing political disabilities. I call the attention of the gentleman to the fact that the last Congress removed the only political disabilities existing. That ought to be stricken out, and have the last remnant of that question eliminated from the rules.

Mr. DALZELL. I will say to my friend from Iowa that we merely copied the rule as it now exists because we intended this to be a substitute in lieu of it; and it does no harm.

Mr. LACEY. Why keep that alive when there is not a living

soul whose disability was not removed in the last Congress, immediately preceding the war with Spain?

Mr. DALZELL. Then we will not have any trouble with cases of that character.

Mr. RICHARDSON. I want a little time.

Mr. MAHON rose.

The SPEAKER. Does the gentleman yield to his colleague from Pennsylvania?

Mr. MAHON. I would like to have a little division of the time for and against this resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] controls the time.

Mr. MAHON. He is in favor of the rule. Who is controlling the time against it?

Mr. DALZELL. How much time does the gentleman want?

Mr. MAHON. Twenty minutes, the time that the rule allows.

Mr. DALZELL. How much do gentlemen on the other side want?

Mr. RICHARDSON. Well, I would not have wanted over five minutes—

Mr. DALZELL. I will yield you five minutes.

Mr. RICHARDSON. Except for the new feature which is included in the rule. I understood, Mr. Speaker, that the rule to be reported was to be a copy of the old rule, except that it was to be made applicable to day sessions on two Fridays of the month and abolish the night sessions on Friday night. I did not understand that the rule changed the mode of procedure in considering these bills when they are called up. That is a change, and presents a new feature.

Mr. DALZELL. The rule is precisely as it was when submitted to the gentleman from Tennessee. I have handed in the exact copy which I handed to my friend from Tennessee. I do not believe he read it.

Mr. RICHARDSON. I did not; but I understood the gentleman to say it simply changed the rule as it existed, abolishing the night session and taking two day sessions, and to that I was making no objection; but I do not hardly see my way clear to support a change of the rule which limits the debate on each bill and gives such a brief time for consideration. I want to find the old rule, and in the meantime the gentleman can yield to his colleague.

Mr. DALZELL. I yield ten minutes to the gentleman from Pennsylvania for the purpose of debate.

The SPEAKER. Does the gentleman yield from his time?

Mr. DALZELL. The gentleman from Tennessee only wants five minutes.

Mr. RICHARDSON. I want a little more time than that to consider this other feature. I want at least fifteen minutes.

The SPEAKER. Does the gentleman from Pennsylvania reserve his time and yield to the other side?

Mr. DALZELL. I yield, first, fifteen minutes to the gentleman from Tennessee, and reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I would like to have the rule again read.

The SPEAKER. Let the rule be again reported in the time of the gentleman from Tennessee.

The Clerk again read the rule.

Mr. DALZELL. Mr. Speaker, before my friend from Tennessee proceeds, I want no misunderstanding about this. If the gentleman from Pennsylvania [Mr. MAHON] desires time in opposition to the resolution, he will have to get it from my friend from Tennessee [Mr. RICHARDSON].

Mr. MAHON. The gentleman from Pennsylvania yielded me fifteen minutes. He does not need to yield me time unless he cares to; but I notify him that he will need it in the future on some other matters. He can call the previous question if he wants to.

Mr. RICHARDSON. How much time does the gentleman from Pennsylvania [Mr. DALZELL] yield?

Mr. DALZELL. Fifteen minutes.

Mr. RICHARDSON. Mr. Speaker, as only fifteen minutes are given me for debate on this proposition, I wish to use only a few minutes of that time, and then I will yield to certain other gentlemen who desire to be heard.

I confess, Mr. Speaker, that I am taken by surprise when I find the rule reads as it does. I was present at the committee meeting when this rule was ordered reported, and I distinctly understood, without hearing the resolution read, that the proposition was to repeal so much of the rule as provides for the consideration of pension bills on Friday evening and to substitute for every Friday evening in the month two Fridays of each month in the daytime. Now, you can see very well that the proposition presented to us is a wholly different proposition. I say it is unprecedented in our history.

The gentleman from Pennsylvania [Mr. DALZELL] is mistaken when he says it is a copy of any rule that ever obtained in the House of Representatives. There has never been a time when debate on pension bills was limited to ten minutes on a side, or

twenty minutes in all. There have been agreements and rules to limit this debate in special cases to twenty minutes—that is, where these bills have received full consideration in Committee of the Whole on Friday evening, the previous question being ordered, it has been agreed, I say, in cases of that kind, that the bills would be voted upon in the House, on some subsequent day, at a day session, and then that there should be ten minutes debate for and ten minutes against the pending bill; but never has there been an attempt to cut down debate for only twenty minutes, in Committee of the Whole or in the House, as an original proposition, upon a bill of this character.

I submit, therefore, that we can not agree to the passage of this rule in this form. If the gentleman had simply brought the rule here providing, as in clause 2 of Rule XXVI, that we should have two days in each month, instead of four nights, for the consideration of the class of bills referred to in the rule, I should not have opposed it very strenuously. I should then have said what I will now say, that never before in our legislative history has it been necessary to consider pension bills in a day session.

On the other hand, no matter whether the Democratic party was in power or the Republican party in power in the House, there never has been any difficulty in bringing a sufficient number of members to the night session to pass pension legislation. And now these gentlemen of the majority come forward by their rule and admit that, with a clear Republican majority on this floor—and one that is gradually increasing, it seems [laughter and applause on the Republican side], but will be decreased after the next election, I hope [applause on the Democratic side]—you find it necessary, with your increasing majority, to set aside the night sessions and bring a rule here to take day sessions in order to pass pension bills for the benefit of the old soldiers.

It seems to me that with your majority you ought to have had no difficulty in bringing a quorum here on Friday nights, if you desire to pass pension bills. This is the first time it has ever been necessary to ask for this legislation only in the daytime, and if your zeal in behalf of the old soldier was as great as you would have the old soldier believe it is, it would not be necessary now to abolish night sessions, but you would bring a quorum of the House here which you have, and pass these bills.

Now, I should have said that, and I would not strenuously oppose this change to day sessions, because we all admit that it is a little more convenient for us to come to the House in the daytime than it is at night. But I do insist, and if I have the opportunity to do so I shall move to strike out so much of this rule as limits the debate to twenty minutes. Gentlemen on that side must recognize the fact that this is not right. The time will come when you gentlemen will want to debate pension propositions longer than ten minutes.

Great questions are sometimes raised in pension bills, and it seems to me it is unnecessary for gentlemen to insist on this limit. I do not think they will find filibustering against pension legislation here in the daytime. I am quite sure I can safely say for gentlemen on this side of the House that there will be no disposition merely to consume time in opposition to pension legislation. The old soldier has been treated just as well when the Democratic party was in majority in this House, and as many private pension bills were passed, as when the Republicans were in the majority.

There has never been any question about that. They have never complained that they could not get all the legislation needed from a Democratic House. It will be time enough to place a limit on discussion when any difficulty in that direction shall arise. I assure gentlemen on the other side there will be no filibustering on this side of the House against pension legislation in the daytime under this new rule; and there can be no occasion, no necessity, for limiting discussion on these matters to twenty minutes.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has exhausted ten minutes of his time.

Mr. RICHARDSON. Then I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON], if he will take it.

Mr. DALZELL. I yield to the gentleman from Pennsylvania [Mr. MAHON] any reasonable time that he may desire.

Mr. RICHARDSON. Then I reserve the remainder of my time.

Mr. DALZELL. I yield the gentleman from Pennsylvania five minutes.

Mr. RICHARDSON. And I reserve my time.

The SPEAKER. The gentleman from Tennessee, as the Chair understood, first yielded five minutes to the gentleman from Pennsylvania and afterwards reserved his time.

Mr. RICHARDSON. I understood the gentleman from Pennsylvania to decline the time I offered him.

Mr. MAHON. It was not as much time as I desired. But my colleague [Mr. DALZELL] has given me five minutes more, and if the gentleman from Tennessee will yield me five, that will make ten.

Mr. RICHARDSON. All right; I yield to the gentleman from Pennsylvania five minutes.

The SPEAKER. The gentleman from Tennessee yields five minutes, and the gentleman from Pennsylvania [Mr. DALZELL] five minutes, to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I have been a member of this House for nearly eight years. My record is that I have never voted against a general or a private pension bill. And I want to say to members of this House that there have come from the committee of which I am chairman bills which are on the Calendar to-day, involving claims of soldiers of the civil war and of the Spanish-American war, which in importance are far above the claims of any deserter whose bill might be covered by this proposed rule.

The third month of this Congress has gone; yet not a day has been allowed for the consideration of bills reported from the Committees on Claims and War Claims; no opportunity has been afforded to consider the just claims of private citizens against this Government. This proposed rule will virtually wipe out in this Congress the work of Claims and War Claims Committees.

If you want to spend two days a month here considering private pension bills, all right. If you want to spend half your time in fixing up records of men who deserted in the face of the enemy, take it. Mr. Speaker, we have wasted seven days on an election case; and there are nine more of such cases to come. There are on the election committees lawyers who can present these cases by arguments occupying not more than two hours on a side. If they would do so, this House would listen to them. But if the nine election cases remaining are each to occupy five or six days, they will take up nearly two months of the time of this House in prolonged discussion to which gentlemen of the House never listen.

I am in favor of considering and passing these private pension bills; but there is ample time, if we properly use our time, to pass them without this rule. Why are we to adopt this rule? Because the gentleman from South Carolina, who represents 4,073 voters out of 24,000 in his district—who is not here by the vote of a majority of the voters of his district—puts himself against his colleagues on the other side and the Republicans on this side in obstructing private pension legislation. I wish and hope and believe that the result of his course may be that some Republican or Populist down in the gentleman's district may be induced to run against him for Congress and break up the rotten record of his district—

Mr. TALBERT. I am not afraid of any Republican or Populist—

Mr. MAHON (Mr. TALBERT continuing to speak). It would give me great pleasure if—

The SPEAKER. The gentleman from South Carolina [Mr. TALBERT] is out of order.

Mr. MAHON. It would give me great pleasure in the Fifty-seventh Congress to assist in throwing him out of his seat, because he never was elected.

[While Mr. MAHON proceeded, Mr. TALBERT continued to speak.]

The SPEAKER. The gentleman from Pennsylvania will suspend. The gentleman from South Carolina is out of order. When any member desires to interrupt another who is occupying the floor he must, under the rules, address the Chair, and through him secure the consent of the gentleman on the floor.

[Mr. TALBERT continued to speak, amid cries of "Order!"]

The SPEAKER. The gentleman from South Carolina is out of order; and the Sergeant-at-Arms will take charge of him if he does not obey the Chair.

Mr. MAHON. Mr. Speaker, day in and day out the gentleman has sat here and seen great bills, involving important general legislation of all kinds, pass through this House when there was no quorum here, and he knows it. Nevertheless, at Friday night sessions, when pension legislation was before the House, he has made it his business to bring about this result by demanding that a quorum shall be present. Now, Mr. Speaker, I wish to acquit the Democrats on the other side of the House, with the exception of himself, from any such imputation. They are opposed to him in this regard, and I should be heartily glad if in the Fifty-seventh Congress I might be able in a contest to help to throw him out of the House.

Mr. TALBERT ROSE.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MAHON. I do not yield to the gentleman from South Carolina. Now, as I said before, I represent a district which is largely interested in claims pending before this House. Of course all the members here know that when the House has been in session for a long day, and the committees have been working, it is not practicable, and often impossible, to find members who are able to come back here for the night session.

But I represent a district here that has been clamoring at the doors of Congress for thirty-five years to get through the House just claims, which are due to the people of my State; and my people can not understand why Congress—Congress after Congress—makes no provision for their payment. These are people—and God knows the fact—that have suffered just as much as many of

the men and women who are on the Private Pension Calendars of this House.

I hope the Committee on Rules, before a vote is taken, therefore, will give consent to an amendment that one Friday in the month shall be devoted to the consideration of private pensions, one to the Private Calendar, and one to the war claims, which are already pending upon the Calendars. If this is done, I shall have no objection to the proposition. If not, I feel like voting against it. I think this is only a proper request to make and one that must meet the approval of the House.

Mr. TALBERT. Mr. Speaker, I would like to ask unanimous consent to be permitted to address the House for some five or eight minutes.

Mr. MAHON. I will answer any question the gentleman desires to ask now.

Mr. TALBERT. I do not want to ask the gentleman a question. I want time in my own right.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor if he wishes to proceed. The gentleman from South Carolina asks unanimous consent that eight minutes of time be allotted to him in the discussion. Has the gentleman from Pennsylvania yielded the floor?

Mr. MAHON. I have not.

Mr. TALBERT. Then I will make the request when he gets through.

Mr. MAHON. I have offered to yield to the gentleman for any question he desires to ask.

Mr. TALBERT. I do not wish to ask the gentleman a question. He is hardly in a mood now to answer any question.

Mr. MAHON. Oh, yes; he is.

I believe it will take unanimous consent now, Mr. Speaker, as I understand the rule, to amend this report? If in order, I move to amend it.

The SPEAKER. It is not in order to offer an amendment under the circumstances.

Mr. MAHON. Very well.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent that I may have eight minutes of the time of the House, and hope, under the circumstances, that I will not be denied that privilege.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. DALZELL. Mr. Speaker, I will yield eight minutes to the gentleman from South Carolina.

Mr. TALBERT. I am very much obliged to the gentleman.

Mr. Speaker, I would not have said a word but for the uncalculated attack of the gentleman from Pennsylvania. We have witnessed here to-day a most remarkable spectacle. The utterances of the gentleman from Pennsylvania who has just taken his seat [Mr. MAHON] are unbecoming to any gentleman who occupies a seat on either side of this House. Without excuse and without provocation, he says here in his place, deliberately, as a member of this body, that he wishes in the next campaign in my district to induce some Populist or Republican to run against me in order (please listen) to bring a contest here against me so that he may have an opportunity of voting to throw me out, without law, without justice, and without evidence, just like they threw the gentleman from Alabama, Mr. Robbins, out a few moments ago. [Applause on the Democratic side.] I suppose he speaks for his party, and as he is speaking for his party I want the country to know that that is your custom and that is your method of procedure in the Republican party whenever it suits your purpose so to act.

What has the gentleman from South Carolina done to be thus assailed? What offense have I committed. Why, I have only stood up here, sir, in the exercise of my right as a member of this body and demanded that, under the rules and in the constitutional way, the business of this body should be transacted. But gentlemen on the other side, if they are opposed to the Constitution and to honesty and justice, as they seem to be, have a perfect right to claim their privilege and threaten to throw me out of the House, if perchance a contest shall arise against me some time in the future, simply and merely for the proper exercise of my constitutional prerogatives. Now, if that be your policy, gentlemen, pronounced by the gentleman from Pennsylvania [Mr. MAHON], you are entirely welcome to any such proposition as that. [Applause on the Democratic side.] In that you will only be doing what you do on all occasions.

You are to-day proceeding and acting in everything outside of the Constitution, and I want to say that you present yourselves to the country to-day as the hypocritical and pretended friends of the old soldiers when in your secret hearts you have no such feelings whatever. You only desire to electioneer with the public Treasury to continue yourselves in office. The gentleman has said that I was silent in the Fifty-fifth Congress because I had a contest. I deny it, and stand here to say that I fought fraudulent pensions as I am now doing and as I intend to do.

Why have these rules been brought in here? Not on account of anything that "the gentleman from South Carolina" has done or

said. Well, then, why? Because the majority party in this House, in their hypocritical cant, are unwilling to spend a few hours once a week at night in order to give the old soldier justice. You are unwilling to leave your pink teas and polka parties to come here to do the old soldier justice. [Applause and laughter on the Democratic side.] Only last Friday night, I am told, a number of you were absent attending a farewell tea party. Ah, ye hypocrites, ye pretenders, ye scribes and Pharisees! Ye whitened sepulchres, full of dead men's bones within, though white outside. [Laughter.] It will be more tolerable for Tyre and Sidon than it will be for you in the day of judgment. [Laughter.]

And then I want to say further that if any gentleman upon that side of the House thinks that he can deter me from exercising my constitutional rights as a member of this House by threatening to turn me out on a probable contest, he mistakes his man. Turn out and be blanked! There are not enough Republicans in this House to intimidate me. And I want to say, turn me out once, and I will come back to haunt you again. Like Banquo's ghost, I will not down.

I am here to represent my people upon the question of pensions as well as upon all other questions. I intend to do what I think is right, though the heavens fall. Run as many men as you please against me, I will say to the gentleman from Pennsylvania.

I want to say, Mr. Speaker, while you abruptly and unjustly threatened to put the Sergeant-at-Arms upon me, a member who was in order, I think the Sergeant-at-Arms ought to have taken the gentleman from Pennsylvania [Mr. MAHON] by the nape of the neck and dragged him out of this Hall for making this personal assault upon a member who was only exercising his constitutional rights and privileges.

I want to say here and now that I intend to stand by my original proposition, that if you wish to come here and appropriate money for your deserters, your coffee coolers, your bounty jumpers, you have got to bring a quorum here to do it.

You can bring in here as many rules as you please. I do not care if you take every day in the week. You are responsible. And I want to say that was one of my two objects. One was to force you hypocrites—I will not say liars, because that is too unparliamentary—to force you hypocrites, because you are a set of hypocrites [laughter on the Democratic side], to either bring out a quorum on Friday nights or abandon them entirely and take the day time.

When you brought in your Puerto Rican bill, you stood up here and pretended that you wanted to pass it because the Puerto Ricans needed immediate relief and that was the only way to get it, and that very night you held a midnight conspiracy with the President—midnight marauders as you are—and brought in here an appropriation the next morning for money that you knew was in the Treasury at the very time you were urging the passage of the tariff bill. And yet you told a falsehood when you said you wanted to pass this tariff bill for immediate relief, because you knew it would take twelve months, under the operations of that bill, before you could relieve them. That is one of the reasons why I say that you are hypocrites. [Applause on the Democratic side.]

Now, I want to say again that I do not pretend to exercise a single right that I have, except that which is guaranteed me by the rules, the Constitution, and the laws of my country. And if you wish to undertake to turn me out because of that, crack your whip, for it only accentuates and shows more plainly to the country that you are yourselves violators of the law, violators of the rules, and violators of the Constitution of this the greatest nation upon the face of the earth.

I want to say again: Bring in your rules and pass them, as many of them as you please. Take the responsibility; and if I am able to drag myself here on those days, I will meet you here and demand that you bring a quorum to pass these bills in the daytime, as I did in the night. [Applause on the Democratic side.] And in doing this I want to say again that it is not my purpose to oppose the passage of a single meritorious claim for the pension of a single brave, patriotic old soldier.

In conclusion, allow me to say that I will continue to do my duty along this line; and if this be treason "make the most of it." [Applause.]

Again, before I take my seat, I want to say that I am not responsible for the introduction of this new rule, but that the responsibility must rest with those who were unwilling to furnish a quorum to do business; and I want also again to resent the insinuation of the gentleman from Pennsylvania that I did not oppose any pension legislation in the Fifty-fifth Congress because, forsooth, there was a contest on my hands. The record will show that I was always on hand during that Congress and opposed such measures as I deemed unworthy of passage, notwithstanding the existence of a contest. I am sorry that I have consumed so much of the time of the House, and should not have done so but for the nonsensical and unprovoked attack of the gentleman from Pennsylvania [Mr. MAHON]. [Applause.]

Mr. DALZELL. I yield to my colleague from Ohio [Mr. GROSVENOR].

The SPEAKER. How much time?

Mr. DALZELL. Five minutes.

Mr. GROSVENOR. Mr. Speaker, the gentleman from South Carolina is always consistent and always stands by the Constitution. I do not deny that he feels a great moral, personal, and political obligation laid upon him to see to it that pension bills are not passed without a quorum. Of course he differs in that respect from one hundred and sixty-odd other gentlemen on his side of the House, but we are bound to presume that he is the temporary custodian of the conscience of his party.

Now, I want to call attention to the fact that there is a sort of riparian growth in his conscience, a sort of aggregation of conditions. I was a member of the Fifty-fifth Congress, and the gentleman from South Carolina was here also. In that Congress he never once made the point of no quorum at a pension session, never. His conscience had not swelled up to the magnitude that it now occupies.

Now, I will never say anything unkind of the gentleman, but when there is such a change of heart as that, I would advise gentlemen here who desire to study the question to look at the records of the Fifty-fifth Congress and see whether there was any reason that might have suggested to the gentleman to keep the peace during that Congress. [Applause and laughter on the Republican side.] Now, can it be possible that my friend—

Mr. TALBERT. Will the gentleman repeat that remark? I did not catch it.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. TALBERT. I just want to ask the gentleman what he said. I did not catch his remark.

Mr. GROSVENOR. I said I did not know but that anybody by a careful examination of the records of the Fifty-fifth Congress might find some reasons why your conscience had not got up to the sticking place about the Constitution that it has now. Now, why is it? But I must turn aside. I have only suggested it. I do not know that the conditions in the Fifty-fifth Congress have anything to do with his course in that matter. I want to show how mean people—mean men like the gentleman from Pennsylvania—might turn around and suspect that the gentleman was holding his conscientious scruples about the Constitution in abeyance during the pendency of certain matters in the last Congress.

Now, Mr. Speaker, I want to say to my friend from Tennessee something I believe I am better capable of stating with knowledge of the facts than he. The old soldiers of this country—I speak of the great body of the great Army of the Republic, both the members upon the roll of that splendid organization and the men who are not on those rolls—are not worried about these private pension bills. There is an underlying feeling that there is perhaps connected with them a discrimination in favor of the men who are thereby to be benefited by pensions which has no general application to the whole Grand Army. So I have stood here year after year and heard these shots fired from the other side about—

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I will yield further time to the gentleman.

Mr. GROSVENOR. How much time have you?

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has twenty-five minutes remaining.

Mr. DALZELL. I yield ten minutes to the gentleman.

Mr. GROSVENOR. We have pretty liberal pension laws, but not such as we would like to have. I have long been a convert to the doctrine of a service-pension law [applause]—a law that would give to every honorably discharged soldier a pension. I want to say to my friend that every private pension bill that passes which is a favor to a single soldier or a single widow proves a source of criticism from thousands of soldiers, widows, and citizens. Ninety-nine out of every hundred soldiers are remitted to the general pension law, and special cases come here. The other soldier is remitted to his rights under the law, and he is jealous of the man who gets his special favor.

Since I have been a member of Congress I have procured the passage of two pension bills to repension widows who had been pensioned and remarried and got into trouble one way or another with their second husbands. Instead of there having been any good feeling about it, I have been criticised about those two bills more than any other official act of my life; and you will find that it is true all along the line. There is a class of cases that occur—

Mr. RICHARDSON. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Yes, sir.

Mr. RICHARDSON. I agree with the gentleman that a large majority, if not nearly all, soldiers can get their pensions when they are entitled through the Bureau, and that the bills that come here are where they have been denied a pension under the general laws in the Bureau.

Mr. GROSVENOR. Very many of them.

Mr. RICHARDSON. And nearly all that come here are because of some special reason. Now, what I wish to emphasize, and I think the gentleman ought to agree with me in it, is that where these bills are outside of the law, or where, because of some technical reason, the Bureau can not give them a pension, we ought to have more than ten minutes on a side on those bills.

Mr. GROSVENOR. The gentleman is quite right, and I had reached the point where I had said that there is a class of cases, when he interrupted me, that should be inquired into. I want to say that I have not looked carefully into the reports of the present committee, but I feel, and always have felt, that the committee in the last Congress was exceedingly wise—I do not know but what this committee is quite as wise—in discriminating between cases that can not be pensioned there and cases that for some reason are not eligible to a pension and those that ought to be acted upon; and if we only had those cases here we would have no trouble in one day practically passing all of them.

When I am present at a pension session, which is not always, I rely upon the report of the committee, and therefore the length of time for debate, ordinarily, is not a matter of very serious import to me. There are two or three classes of business in this House where I hitch my dependence on the committee; one is the Pension Committee, and the other is the Committee on Contested Election Cases. I do not propose to be held always strictly accountable for every vote I make on these questions, and therefore, if I should vote to retain the gentleman from South Carolina [Mr. TALBERT] in his seat in the next Congress, I shall apologize to all the world because the committee reported in his favor, and because there is no other justification I could possibly have in my judgment. [Laughter and applause.]

Now, then, as one of the Committee on Rules, I have consented to this rule because in my judgment it will benefit the private pension claims and the claims from the committee so ably represented by the gentleman from Pennsylvania [Mr. MAHON]. What has that committee had up to this time? Nothing. Why? Because you have always got the condition that puts up one class of cases against another class. But if they have two Fridays in each month, there will be very little contest about giving them the right to be heard.

If we have pension cases on two Fridays, in my judgment, we can pass all that the Committee on Invalid Pensions will feel that ought to be taken up. They report some bills that ought not to be taken up, and they are absolutely right about that. What I would like to have is that they should bring in one or two general propositions that I would like to vote for. So, Mr. Speaker, the report of the Committee on Rules is not intended to injure either one of this class of cases, but will be a benefit to both of them.

Mr. RIDGELY. Mr. Speaker—

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] yield to the gentleman from Kansas?

Mr. DALZELL. I can not yield to the gentleman, Mr. Speaker, as I desire the remainder of my time myself. The gentleman from Tennessee [Mr. RICHARDSON] does not object, as I understand, to the first part of the rule, that which substitutes two week days in the month for the evening sessions of Friday, but to that part which limits the debate; and he is opposed to that because he says it is unprecedented. Before I call his attention to the precedents, let me say to the gentleman, for I would have no misunderstanding about it, that this rule, as reported, is precisely in the condition it was in when it was submitted to the gentleman in the room of the Committee on Rules.

Mr. RICHARDSON. I take no issue with the gentleman on that. I assumed that it was only the change that had been indicated.

Mr. DALZELL. The gentleman from Tennessee is under the impression that rules of a like character which have been adopted in previous Congresses had relation to the discussion in the House and not to discussion in Committee of the Whole House.

Mr. RICHARDSON. In the House after the bills had received consideration in Committee of the Whole.

Mr. DALZELL. I want to call the gentleman's attention to the rule that was adopted at the first session of the Fifty-fourth Congress on the 5th of May, 1896.

Resolved, That Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into the Committee of the Whole House for the consideration of such bills as are in order on sessions of Friday evening; and in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

Mr. RICHARDSON. I want to ask the gentleman if each one of these bills was not considered or had not had consideration in the Committee of the Whole?

Mr. DALZELL. Not at all.

Mr. RICHARDSON. Then he will find, if he will pardon me,

that this resolution only applied especially to one or two days and not to any general amendment of the rule.

Mr. DALZELL. That may be a modification of the gentleman's statement. Here is a precedent where the debate was limited to five minutes on a side, and where two days were set apart for consideration immediately after the reading of the Journal, and where the debate was limited in the Committee of the Whole House.

I call the gentleman's attention again to a resolution which was adopted in the second session of the Fifty-fourth Congress, on Tuesday, the 19th day of January, 1897:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order at sessions on Friday evening, and in consideration of such bills under the resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

So my friend is mistaken when he says this is an unprecedented rule. My friend will recognize the fact that precisely the same influences that compel the introduction into the House to-day of the main provision of the rule providing for day sessions compel also some limitation on debate. All gentlemen are familiar with the history of attempted pension legislation in this Congress. I do not lay any blame to that side of the House.

I have been told time and again by gentlemen on that side of the House, without number, that they were willing to contribute so far as they could to pension legislation, and that they regretted the fact that a single one of their members came here night after night and raised the technical objection against going into Committee of the Whole, which requires the presence of only 100 members, that there were not present to pass that perfunctory motion a quorum of the whole House.

And I want to say that I do not believe that in any Congress that I have known the Friday evening sessions of the House have been so well attended as they have been during the present Congress. I find, for instance, that on one evening there were present 117 members, 17 more than were necessary, under the rules, to do business, and there stood between them and the effort to do business the simple technical objection that there were not 179 members to adopt a motion to go into Committee of the Whole. I find that on another evening there were 169 members present, 9 less than a quorum; on another evening 156 members; and on last Friday evening 171, only 7 less than a quorum.

Mr. DRIGGS. If the gentleman will allow me, I would like to ask whether, in examining the list of members present at those evening sessions, he has observed the political sides that they occupy?

Mr. DALZELL. Oh, I have not drawn any distinction between Democrats and Republicans on pension legislation. I do not know of any Democrat that differs from a Republican with respect to pension legislation except the gentleman from South Carolina.

Mr. TALBERT. Will the gentleman allow—

Mr. DALZELL. I will not "allow." I decline to yield to the gentleman.

I draw no such distinction, because I am not imputing blame to that side of the House. I do not think blame is to be imputed to either side of the House with respect to these Friday night sessions. When you take into consideration the number of members constituting this body, the number that must at all times necessarily be absent, the number who are sick, the number who are physically incapable of attending to committee duties, and after spending five hours in the atmosphere of this House, of coming here to an evening session, I think that the record is a remarkable one and one of which both sides of the House have a right to be proud.

Why, gentlemen, to show the technical, and, if I should indulge in such language as has been indulged in here to-day, I might say the hypocritical, objection against proceeding with Friday evening pension legislation, I call your attention to the fact that the only thing the House has to do on Friday evening, as contemplated by the rule, is to go into Committee of the Whole; and to say that you shall have 79 more members present every Friday evening than are necessary to transact business on that evening, under the rule, simply for the purpose of passing a single perfunctory motion, is to show the insincerity of the whole business.

So that I end as I began: The necessity that prompts the introduction of the main rule prompts the introduction of the rule providing for limitation of debate, so that members on both sides of the House who are interested in proper legislation for the old soldier shall have an opportunity, without any hypocritical objection, to legislate in accordance with their will.

Mr. Speaker, I ask for the previous question.

Mr. RICHARDSON. I ask the gentleman to yield one minute—

Mr. DALZELL. I yield to the gentleman for a moment.

Mr. RICHARDSON. In view of the fair statement which the gentleman has made, acquitting this side of the House of any disposition to defeat pension legislation, why can we not agree that

the rule may be adopted without the clause limiting debate to ten minutes on a side? Because I assure the gentleman there will be no disposition to fritter away the time. It is because I dislike to see the precedent established of putting into the permanent rules of the House a limitation of this kind upon debate that I make this suggestion. I believe the gentleman can accomplish all he wishes in the way of pension legislation without it.

Mr. DALZELL. Now, Mr. Speaker, without wishing to say anything unkind to gentlemen on the other side, I must remark that the gentleman from Tennessee can not be responsible for that side of the House, because, though a while ago he said he would guarantee to us that there would be no filibustering, yet the gentleman from South Carolina who followed him within ten minutes announced that on all possible occasions when he could drag himself to the House he would filibuster, if nobody else did.

Nevertheless, having said that much, I now accept the suggestion just made by the gentleman from Tennessee and withdraw the latter part of the proposed rule. [Applause.]

The SPEAKER. Without objection, the ten-minute limitation will be withdrawn from this proposed rule. The Chair hears no objection.

The question being taken on agreeing to the resolution as modified, it was decided in the affirmative.

The SPEAKER. The proposed rule as modified is adopted.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—WISE VS. YOUNG.

Mr. WEEKS. Mr. Speaker, it was arranged that the contested-election case from the Second district of Virginia—Wise vs. Young—would follow immediately the contested-election case just disposed of this afternoon.

The SPEAKER. Notice was given to that effect.

Mr. WEEKS. Notice was given to that effect. I now renew my notice, and am about to ask that the case be taken up. But previous to doing so, I desire to offer a resolution on a question of personal privilege.

The SPEAKER. The gentleman from Michigan, from the Committee on Elections No. 3, submits the resolutions which the Clerk will report.

The Clerk read as follows:

In the contested-election case of Richard A. Wise against William A. Young, I offer the following resolutions in lieu of the resolution in the report of the majority of the committee:

Resolved, That William A. Young was not elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is not entitled to a seat therein.

Resolved, That Richard A. Wise was duly elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is entitled to a seat therein.

Mr. WEEKS. Now, Mr. Speaker, I offer these resolutions in lieu of the resolutions reported by the Committee on Elections.

The SPEAKER. Does the minority of the committee wish its substitute resolution to be pending at the same time?

Mr. BURKE of Texas. The minority of the committee, Mr. Speaker, ask that their resolution be considered as pending.

The SPEAKER. Then the substitute proposed by the minority will be considered also as pending.

Mr. WEEKS. That is correct.

The substitute resolution is as follows:

Resolved, That William A. Young was duly elected to a seat as Representative from the Second Congressional district of Virginia in the Fifty-sixth Congress of the United States and should retain the same.

Mr. BURKE of Texas. Now I respectfully ask the gentleman from Michigan that we make this kind of an agreement: That this case be taken up immediately after the approval of the Journal to-morrow and be discussed until half past 2 o'clock on Saturday afternoon, at which time a vote shall be taken in the House. And I make that suggestion, Mr. Speaker, on this ground. It is now half past 4 o'clock—

Mr. DALZELL. Let me interrupt the gentleman from Texas to state that to-morrow, under the rule just adopted, is set aside for the consideration of private pension bills.

Mr. BURKE of Texas. What is the statement of the gentleman?

Mr. DALZELL. Under the rule just adopted to-morrow has been set aside for the consideration of private bills under the same order as has heretofore prevailed on Friday night sessions.

Mr. BURKE of Texas. Then I suggest that this case be taken up now, in view of what the gentleman from Pennsylvania has stated, and that a vote be had, say, at 4 o'clock on Saturday afternoon.

The SPEAKER. The gentleman from Texas makes a request which the Chair will submit to the House. The gentleman asks unanimous consent that this election contest, which has just been reported from the committee, be taken up for discussion now, and that a vote be taken on the same at 4 o'clock on Saturday afternoon. Is there objection to the request of the gentleman from Texas?

Mr. WEEKS. Mr. Speaker, I object. I should prefer very much—however much I would like to meet the wishes of the gen-

tleman from Texas—I should prefer that this case be argued and submitted to the vote of the House on Monday at half past 2 o'clock.

Mr. BURKE of Texas. But that, the gentlemen will remember, is District day.

Mr. WEEKS. I know it is. But I rely upon getting the consent of the chairman of the District Committee to have a vote taken at that time.

The SPEAKER. The gentleman from Michigan objects to the request of the gentleman from Texas and makes a request in lieu thereof, which the Chair will submit to the House, that this case be considered now, and that on Saturday a vote be taken at half past 2 o'clock. Is there objection?

Mr. BURKE of Texas. In order to be entirely even with my friend from Michigan, and to be placed on all fours with him, I object. [Laughter.]

The SPEAKER. Objection is made. The gentleman from Michigan is recognized if he desires to proceed with the case now.

Mr. WEEKS. Mr. Speaker, I call up the case for present consideration, and will state to the House that I shall move the previous question at half past 2 o'clock on Monday next.

The SPEAKER. The gentleman has given notice of his intention.

Mr. MUDD. Mr. Chairman, I do not see the chairman of the District Committee here, but I desire to give notice to the gentleman that we will ask the House to assign the day properly belonging to the Committee on the District to that committee, and shall make objection to any other arrangement until I know his wishes in that regard.

Mr. WEEKS. Mr. Speaker, this contest comes from the Second Congressional district of Virginia, and the members of this House have been already advised of the facts claimed by the contestant through the report of the Committee on Elections No. 3, which has been delivered by mail, or otherwise, to the members of the House. In presenting the argument at this time in support of the report of the committee it will not, therefore, be necessary to go largely into detail, inasmuch as every member has had an opportunity of examining the report and the figures shown relating to the election in question, in every precinct, contested or otherwise, throughout the Congressional district.

The results of these figures show to the satisfaction of the majority of the committee that the contestant, Richard A. Wise, was honestly elected to the seat in this House over the contestee by a majority of 1,947 votes. This result is reached by first stating the returns from the uncontested counties of Charles City, Elizabeth City, and Norfolk and the city of Newport News, which gave to the contestant a majority of 549 votes; by throwing out of consideration the entire vote of Norfolk, save those proven by the contestant, 437 votes, and afterwards taking up in detail the other contested voting precincts in the district, throwing out the returns from those districts where the result is tainted with fraud, and giving to the contestant the votes proven to have been received by him; all of which is particularly and carefully stated in the report of the committee, and which would, on this basis, give to the contestant a clear majority over the contestee of 2,434 votes.

In attacking the returns from the city of Norfolk, the theory of the contestant, which was fully sustained to the satisfaction of the committee, was that there was a general plan or scheme, concocted by the partisans of Young, to prepare and have a false and fraudulent poll list and in some manner cause to be placed in the ballot boxes a sufficient number of fraudulent votes to approximately compare with these fraudulent poll lists, and on the count of the ballot, and making the returns to count all such fraudulent votes for the contestee, and thus defeat the contestant.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. WEEKS. Yes; one question.

Mr. HAY. I do not wish to interrupt the gentleman, if he does not desire to be interrupted.

Mr. WEEKS. I should prefer to make the argument as much in my own way as possible, for the reason that it consists largely of an examination of the figures. I am not going to talk about other matters outside of the case. I shall address myself to the House as an attorney would address a jury under the direction of the court, confining himself to the case on trial, and I shall indulge in very few of those glittering political generalities which are so interesting to some gentlemen on this floor, and which receive such generous applause on the other side. They are gems in their way, but we will lay them aside for this occasion.

It appears certain to the committee that this plan or scheme was worked thoroughly in the city of Norfolk in all its precincts, in some more thoroughly than in others; and it appears equally plain to the committee from the returns from all counties that the concoctors of this plan caused it to be spread over the district, and while the rural experts were not as cunning and intelligent as those who manipulated the Norfolk election, it seems to the committee very certain that the method of cheating in Norfolk was carried out wherever it was possible, and where this plan was

not carried out others were adopted quite as effective to carry out what the committee recognizes as a general scheme to cheat the contestant out of his election.

I shall direct my attention in the remarks I am about to make first to the city of Norfolk, where the frauds permeating the returns from every precinct are very transparent and were so clumsily worked as to deceive only the most unsophisticated. No doubt seems to exist that the 11 voting precincts in the city of Norfolk are badly tainted with this transparent fraud, and in all the precincts the performance was so similar that no doubt is left that it was planned and the motives of its practice disseminated to all the precincts from a common center. I call the attention of the House to the returns from all the counties outside of Norfolk, and any gentleman making careful figures will discover that upon these returns, of all the counties outside the city of Norfolk, contestant was elected by a majority of at least 2,400 votes when the returns are properly corrected and the results honestly obtained.

It is perhaps well to note the fact that in the Congressional election of 1898 the vote was unusually light. The returns in 1898 gave a total of 21,832 votes cast, of which 16,666 were from the counties and 5,166 from the city of Norfolk, the rural vote falling off 8,681, or over 34 per cent from the vote of 1896, and the vote of Norfolk in 1898 falling off only 13 per cent less than in 1896. It is curious to note also that the returns from the only four counties in the district uncontested—Charles City, Elizabeth City, Norfolk County, and the county of Newport News—shows that the falling off between the vote of 1896 and 1898 was nearly 50 per cent, and this remarkable change or falling off in the vote has not been explained and no one has attempted to explain it. It is also well to call the attention of the House to the fact, as will be seen on pages 70, 71, and 72 of the brief filed for the contestee, that the counsel for the contestee admits that no claim can be made for 1,060 of the 3,604 votes returned for him from Norfolk, and that the returns from both precincts of the Fifth Ward must be thrown out.

Mr. BURKE of Texas. Will the gentleman yield for a question?

Mr. WEEKS. I will.

Mr. BURKE of Texas. If the contestee concedes these votes and gives them up, wherein is the necessity for the gentleman's dwelling upon them at such length?

Mr. WEEKS. I will tell the gentleman from Texas. I am making these statements with regard to the two precincts so generously and gracefully yielded to the contestant on the ground of fraud, simply to illustrate and call attention hereafter to the fact that every other precinct in the city is just like that. They are worthy of mention as showing the general character of the election in the city of Norfolk.

An examination of all the returns from Norfolk will show that the returns from the two precincts of the Fifth Ward, conceded to be fraudulent, are exactly like those from other wards in the city in every essential characteristic, and the admission that they are false and fraudulent is a confession as to every other precinct in the city. I desire to state here that on the hearing and argument before the committee, counsel for the contestee, after having his attention called to the remarkable evidence of fraud in the returns and polling lists—the padding of the polling lists by the importation of false and fictitious persons—was asked in the presence of the whole committee whether he could explain the alphabetical arrangement of the names of alleged voters on the polling lists, as will be hereafter more specially referred to, and the counsel's reply was that he could not explain it. He was then asked the question whether he would justify before the committee such appearances, and with equal frankness stated that he would not.

Mr. Speaker, I claim that the same rule applies here that would in the trial of a suit in a court of law where the client is bound by the statements and admissions of his counsel made during the progress of the trial. No rule or practice is more familiar than this. Counsel in stating a case at the opening of a trial binds the party whose case he is stating; and if he has not stated a good and sufficient cause, the court would refuse to permit it to proceed and direct a verdict; so, in the midst of a trial of a suit at law counsel is asked whether such and such a proposition is admitted and states that it is, whereupon the court, taking the admission of the counsel, would direct a judgment or a verdict. This occurs so frequently that I need only refer to the fact, and every lawyer in this House will see the importance of the admission which was made by Mr. Brooke as against the contestee, for whom he was acting upon this hearing before the committee. If, therefore, the admission is held to be an admission of the contestee, every vote received by the contestee in the city of Norfolk must be discarded and the vote of the whole city must be given to the contestant, so far as he has proven the votes received by him, which, as already stated, amounted to 437. (See page 15 of the report of the committee.)

In discussing the vote of the city of Norfolk I will take the first

precinct of the Fifth Ward as a sample. Seven hundred and nine men voted. The returns give Young 529 and give Wise 52. The votes returned, however, fall 20 short of what the poll purported to have been cast. The evidence shows that the Republican tally keepers, who knew that the vote polled was barely half as large as that cast in 1896, were surprised when they saw the returns; but when they saw the poll books, there was no difficulty in understanding how the thing could occur. By turning to the record page 1105, this remarkable evidence will be found:

That blocks of names of men who never voted had been transcribed into this poll book, and that it had been done in a very awkward way. Example: On the poll book, page 1105, from vote No. 536 to No. 543, 8 persons with names beginning with A appear to have voted consecutively, followed by 30 persons whose names begin with B, No. 544 to No. 573. This was followed by 13 persons whose names began with C, No. 574 to No. 586, inclusive. I will not stop to dwell upon the singular coincidence of such circumstance, but it is all the more remarkable when the same thing exactly is found to have occurred in all the other precincts of the city. The contestant does not rest entirely upon the remarkable circumstance or coincidence of alphabetical arrangement, but introduces evidence to prove by 16 men, whose names appear on the poll list thus arranged, that they did not vote. Of these 16 was the name of one who appeared in the middle of a group of A's, 2 whose names appeared in the middle of a group of B's, and 2 whose names appeared in the middle of a group of C's. These were well-known men with whom the judges of the election at the precinct were well acquainted and concerning whom there could have been no misapprehension. (See record, page 1116; testimony of Woodworth and Tierney, prominent Republicans.)

The contestant also proved, as shown by the record, that 6 others whose names appear as having voted were nonresidents of the district and were even nonresidents of the State. Pursuing the matter still further, the contestant proved by the Democratic registrar of the election that 32 names appear on the poll book as having voted were not on the registration list at all. This circumstance is treated by the contestee in his brief in a very light, airy manner, where he speaks of "these apparent irregularities," and states that they are "difficult to explain," and dismisses the matter by paying a compliment to the high character of the election officials at this precinct. Could anything be more conclusive of fraud than the facts thus presented from the first precinct of the Fifth Ward of Norfolk?

Let us take the second precinct of the Fifth Ward. Here 528 votes were cast and only 506 accounted for. The returns gave Young 407 and Wise 22, and in six lines of his brief (page 70) contestee gives up these 400 votes without even a compliment to the judges of the election, admitting that the returns from this precinct are too evidently rotten with fraud to be considered even by the contestee. The block system of transfers of names from the registration book to the poll book is again apparent in this return; but we need not discuss this particular precinct, as it is conceded that it should be cast aside. Among the little instances, however, worth mentioning, as showing the general character of the election in the city of Norfolk, is this: The Democratic registrar proves 26 names on the poll book not on the registration book; 9 voters, whose names are scattered through the lists on the poll book, swear that they never voted; the registrar swears there are no names like theirs on the registration book; 2 persons, as having voted, were proved to have been dead; others returned as voting are proved to have been in the Army and absent. And this overwhelming proof, regardless of the contestee's confession, shows that more than one-fourth of the returns from Norfolk for contestee are utterly unworthy of belief.

Mr. Speaker, at the request of several gentlemen about me, I will now suspend my speech and move that the House do now adjourn, reserving the right to continue my remarks when the consideration of this case is resumed.

Mr. BURKE of Texas. At what time?

Mr. WEEKS. On Saturday, I suppose.

The SPEAKER. Will the gentleman withhold his motion to adjourn, to allow the Chair to submit two messages from the President of the United States?

Mr. WEEKS. Certainly.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2637. An act granting an increase of pension to Albert Hammer; and

H. J. Res. 119. An act to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

EXPENDITURES OF AGRICULTURAL EXPERIMENTAL STATIONS.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of Agriculture on the work and expenditures of the agricultural experimental stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1899, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, March 8, 1900.

NATIONAL CELEBRATION OF THE ESTABLISHMENT OF THE SEAT OF GOVERNMENT IN THE CITY OF WASHINGTON.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the report of the proceedings of the committee appointed in conformity with an act of Congress entitled "An act to provide for an appropriate national celebration of the establishment of the seat of government in the District of Columbia," approved February 23, 1899.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, March 7, 1900.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAINES, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. WEEKS. If the motion to adjourn is carried, Mr. Speaker, when do I resume the argument in this case?

The SPEAKER. The gentleman will be recognized when he calls up the case.

Mr. WEEKS. I will give notice—

Mr. BARTLETT. I hope the gentleman will speak up, there is such an immense audience here now, so that we may be able to hear him.

Mr. BURKE of Texas. Mr. Speaker, judging from what the gentleman from Pennsylvania said a moment ago, my idea was that the case goes over until Saturday.

The SPEAKER. The regular order to-morrow will be the consideration of pension business, under the new rule just adopted. The Chair thinks it would be well that that be understood between the two sides, so that gentleman will not be here unnecessarily for that purpose. The gentleman reserves the balance of his time?

Mr. WEEKS. Yes, sir.

The SPEAKER. And moves that the House do now adjourn?

Mr. WEEKS. Yes, sir.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiencies in funds for printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for fish hatchery stationed at St. Johnsbury, Vt.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a report of the Quartermaster-General of the Army on the claim of Henry J. Hewitt, of Missouri—to the Committee on War Claims, and ordered to be printed in part as designated.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of the examination and survey of Diamond Reef and Coenties Reef, East River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a paper relating to the claim of Maj. J. B. Guthrie, and also a copy of the report of the Judge-Advocate-General of the Army, together with draft of a bill—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to

the Clerk, and referred to the several Committees therein named, as follows:

Mr. McPHERSON, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 8923) to revise and codify the laws relating to the Post-Office Department and postal service and to amend the same, and for other purposes, reported the same without amendment, accompanied by a report (No. 551); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, reported the same without amendment, accompanied by a report (No. 552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 26) to print 25,000 copies of the report of First Assistant Postmaster-General for the year ending June 30, 1899, in lieu of H. C. Res. No. 13, accompanied by a report (No. 553); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States, reported the same without amendment, accompanied by a report (No. 554); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth, approved February 17, 1897, reported the same without amendment, accompanied by a report (No. 555); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 25) to print 12,500 copies of the report of the Director of Geological Survey relating to Cape Nome district, in Alaska, reported the same without amendment, accompanied by a report (No. 556); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, reported the same without amendment, accompanied by a report (No. 557); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 22) to print 12,500 copies of the proceedings in connection with the receipt of the Webster statue on January 18, 1900, reported the same with amendment, accompanied by a report (No. 560); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5763) to extend the public land laws to the district of Alaska, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 1036) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, reported the same with amendment, accompanied by a report (No. 562); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KETCHAM, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 876) authorizing the Secretary of War to reconstruct the post of Fort Hamilton, N. Y., according to a new and appropriate plan, to purchase or acquire by exchange, or both, the necessary ground adjoining the Government reservation, and to erect buildings, reported the same without amendment, accompanied by a report (No. 564); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the House bill 7572, reported in lieu thereof a bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the

homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," accompanied by a report (No. 566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 523) for the relief of Arba N. Waterman, reported the same without amendment, accompanied by a report (No. 550); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1752) granting a pension to James J. Wheeler, reported the same without amendment, accompanied by a report (No. 558); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 548) granting a pension to Edward Harris, reported the same without amendment, accompanied by a report (No. 559); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2368) granting a pension to Mary A. Randall, reported the same without amendment, accompanied by a report (No. 563); which said bill and report were referred to the Private Calendar.

Mr. FREER, from the Committee on Patents, to which was referred the bill of the House (H. R. 638) to extend certain patents of Seth H. Smith, reported the same with amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 9280) to make applicable to the Marine Corps the provisions of the act of March 3, 1899, to reorganize and increase the efficiency of the personnel of the Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 9281) providing for an additional circuit judge in the second judicial district—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 9282) to amend section 4434 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LANHAM: A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth—to the Committee on the Judiciary.

By Mr. CLAYTON of Alabama: A bill (H. R. 9285) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala., and for the use of the State Normal College at Troy, Ala.—to the Committee on the Public Lands.

By Mr. MARSH: A bill (H. R. 9286) authorizing the construction of a training ship for service upon the Mississippi River for the use of the naval militia—to the Committee on Naval Affairs.

By Mr. NEWLANDS: A bill (H. R. 9287) to increase the salary of the United States marshal for the district of Nevada—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 9288) to amend section 12 of the customs administrative act of 1890—to the Committee on Ways and Means.

Also, a bill (H. R. 9289) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 9290) to extend the system of public surveys to the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9291) to extend the timber and stone acts to the district of Alaska—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 9292) for the improvement of the Missouri River at and near the city of Union, Franklin County, Mo.—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A bill (H. R. 9293) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 9294) to limit placer-mining claims in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9295) to prohibit the location of mining claims by power of attorney in the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9296) to amend the homestead laws of the district of Alaska—to the Committee on the Public Lands.

Also, from the Committee on the Public Lands: A bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes"—to the Committee on the Public Lands.

By Mr. LITTLE: A bill (H. R. 9343) for the relief of homestead settlers, and for other purposes—to the Committee on the Public Lands.

By Mr. PIERCE of Tennessee (by request): A bill (H. R. 9343) to amend section 6, chapter 119, United States Statutes at Large, relating to Indian Territory—to the Committee on Indian Affairs.

By Mr. KLEBERG (by request): A joint resolution (H. J. Res. 197) for the relief of heirs of S. A. Belden & Co.—to the Committee on Foreign Affairs.

By Mr. SHERMAN: A joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for 1900—to the Committee on Printing.

By Mr. BINGHAM: A memorial of the general assembly of Pennsylvania, urging Federal legislation to protect free labor from injurious competition with contract labor—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A joint resolution and memorial of the general assembly of the State of Maryland, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick, Md.—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 9297) to remove the charge of desertion from the military record of Jonas Albert—to the Committee on Military Affairs.

Also, a bill (H. R. 9298) to remove the charge of desertion from the military record of Andrew Matheny—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 9299) to authorize the President to place the name of Archibald K. Eddowes on the retired list of the United States Navy with the rank of chief engineer, United States Navy—to the Committee on Naval Affairs.

By Mr. BURNETT: A bill (H. R. 9300) granting a pension to Hugh H. Herring, late of the United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) granting a pension to Matthew V. Ellis, of Exie, Ala.—to the Committee on Pensions.

Also, a bill (H. R. 9302) for relief of John A. Bates—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9303) granting a pension to Eliza Jane Garvin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9304) to restore pension to Sarah A. Fugett, widow of James H. Fugett, Company K, Seventh Kentucky Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 9305) for the relief of Robert H. Semple—to the Committee on Military Affairs.

Also, a bill (H. R. 9306) for the relief of G. W. Seaman late postmaster at Red Mountain, Colo.—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 9307) granting a pension to Mary A. Colhoun—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9309) for the relief of the estate of Nicholas White, deceased, late of Washington, D. C.—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 9311) granting a pension to Harvey McClanahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9313) to correct the military record of Henry Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 9314) granting a pension to Horace Wilson—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9316) granting an increase of pension to Wesley N. Longcor—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9317) for the relief of the estate of W. T. Collins, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 9318) granting an increase of pension to James M. Derby—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 9319) for the relief of Patrick O'Neil—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 9320) for the relief of Albert Steiner—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 9321) granting a pension to Nancy A. Killough—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9322) for the relief of Bayles E. Cobb, of Fordyce, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 9323) for the relief of the widow and heirs of the late D. G. Hineman, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. O'GRADY: A bill (H. R. 9324) to correct the military record of Leroy F. Hammond—to the Committee on Military Affairs.

Also, a bill (H. R. 9325) granting a pension to James McNabb—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9326) for the relief of Robert C. Hornsburg, of Washington County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 9327) granting an increase of pension to John W. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9328) for the relief of the Columbian Iron Works and Dry Dock Company—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 9329) granting a pension to Norman P. Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9330) granting a pension to Emma B. Taber—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 9331) granting an increase of pension to Helen F. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting a pension to Carrie L. Armstrong—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9333) granting an increase of pension to Henry H. Geiger—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 9334) granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9335) granting a pension to Felix Lindsey—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 9336) to grant a pension to Isabella Armiger, mother of John M. Armiger, late of Company A, Eleventh Regiment Maryland Infantry Volunteers, and so forth—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9337) for the relief of John D. Ryan, of Meridian, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9338) for the relief of the estate of William Roberts, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 9339) for the relief of Charles Davis, assignee of Augustus D. Saylor, deceased—to the Committee on Claims.

Also, a bill (H. R. 9340) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting a pension to Thomas Chase—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of J. J. Conger, C. W. Jardy, and

other retail dealers, of Oneida, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the St. Louis Credit Men's Association, protesting a repeal of the bankruptcy act and recommending amendments for the better protection of creditor and debtor alike—to the Committee on the Judiciary.

Also, resolution of Colonel Lennard Post, No. 251, Grand Army of the Republic, of Missouri, and others, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. BARTLETT: Petitions of W. B. Hill, chancellor of the University of Georgia, and B. F. Holder, jr., of Forsythe, Ga., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of the Woman's Christian Temperance Union of Olathe, Colo., also of the Baptist Church of Olathe, for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petitions of J. B. Macarey, of Denver, Colo., adjutant First Regiment, National Guard, Colorado State Militia, and W. F. White, of Grand Junction, Colo., in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of the Chemical Manufacturing Company of Denver, Colo., for the improvement of Trinity River to the city Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Denver, Colo., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Christian Keck, of Del Norte; F. L. Heuschkel, of Glenwood Springs; James P. Williams, of Pueblo; H. Applegate, of Lamar; H. A. Tanner, of Fondis, and C. H. Loveady, of Lamar, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of G. A. Gibbs, of Del Norte; W. W. Taylor, of Trinidad; H. F. Morgan, of Arriola; M. R. Wedell, of Dolores, and Hugh Quinn and J. J. Pride, of Durango, State of Colorado, favoring Government distribution of vaccine—to the Committee on Agriculture.

Also, petition of Federal Labor Union No. 1, of Pueblo, Colo., against the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on the Militia.

Also, petition of Charles Denison, M. D., of Denver, Colo., favoring the passage of Senate bill No. 1440 and House bill No. 6818, relating to a department of public health; also against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, resolution of the Woman's Club of Denver, Colo., protesting against the desecration of the national flag—to the Committee on the Judiciary.

By Mr. BROSIUS: Protest of J. R. Missliner, of Mount Joy, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Welsh Post, No. 118, Grand Army of the Republic, of Columbia, Pa., in favor of House bill No. 7094, to establish a branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BULL: Petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolutions of Portsmouth Grange, No. 29, of Portsmouth, and Kingston Grange, No. 10, Kingston, R. I., Patrons of Industry, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the treaty with France—to the Committee on Foreign Affairs.

By Mr. BURNETT: Affidavit of J. A. Choate, to accompany House bill No. 7853, to remove the charge of desertion against him—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Robert Irwin and others, of Beason, Ill., favoring the bill relating to dairy products—to the Committee on Agriculture.

By Mr. CAPRON: Resolutions of James C. Nichols Post, No. 19, Grand Army of the Republic, of Rockland, R. I., indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of West Kingston Grange, No. 10, Patrons of Husbandry, of Kingston, R. I., urging the passage of Senate bill No. 1439, relative to amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, in favor of the bill for the employment of female nurses in the Army—to the Committee on Military Affairs.

By Mr. CONNELL: Petitions of E. F. N. Edwards and others, of Spring Brook, and John Sayers and others, of Maple Lake, Pa., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. CRUMP: Petitions of C. H. Steiger, of Midland, and J. P. Leknot, of Bay City, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Michigan Hardware Association, of Detroit, Mich., against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. S. Killmer, C. J. Brandt, and A. H. Willis, of Standish, Mich., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CURTIS: Petition of J. M. Bowen and others, druggists, of Atchison, Kans., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Western Pennsylvania Retail Druggists' Association, of Pittsburgh, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petitions of Cortland Whitehead, bishop, of Pittsburgh, Pa., and of the publisher of Amerikansko Slovenske Noviny, of Pittsburgh, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Alex. Hays Post, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the United Presbyterian and Methodist Preachers' Meeting, of Pittsburgh, Pa., against the extension of saloon slavery to our new islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. S. A. DAVENPORT: Petition of W. F. Nick and other druggists of Erie, Pa., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. DAYTON: Petition of the estate of William Corrick, deceased, late of Tucker County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of E. P. McEvoy and other citizens of Osgood, Iowa, favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, resolution of Company F, Fifty-second Regiment, Algona (Iowa) National Guard, Iowa State Militia, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

By Mr. DRIGGS: Papers to accompany House bill for the correction of the military record of George Michel—to the Committee on Military Affairs.

By Mr. EMERSON: Petitions of Henry A. Eaton and others, of Brandon, and H. McWhorter and others, of Hartford, N. Y., for legislation relating to the transportation of dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, petition of Phillips & Casey and Irving C. Foote, jr., of Fort Edward, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petitions of commander and members of Grand Army of the Republic post at Paris, Ind.; officials of Jefferson County, Ind., and statement of Harvey McClenahan, praying for the passage of a bill granting him a pension—to the Committee on Invalid Pensions.

Also, resolutions of Fouts Post, No. 272, Grand Army of the Republic, of Indiana, in support of House bill No. 7074, entitled "A bill to establish a branch Soldiers' Home at or near Johnson City, Washington County, Tenn.—to the Committee on Military Affairs.

Also, statement of the Bliss Milling Company, of Seymour, Ind., in regard to discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, affidavit and official certificate to accompany House bill granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Charles W. Deane and others, of Bridgeport, Conn., in favor of House bill No. 6634 and 6062, for the preservation of game and other birds—to the Committee on Agriculture.

By Mr. HOWELL: Petition of St. George Kempson, of Perth

Amboy, N. J., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Petition of C. W. Ditty, S. D. Smith, and others, of Summerville, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petition of C. O. Slater and other citizens of Latrobe, Pa., to accompany House bill for the relief of James M. Derby—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 2738, for the relief of Charles W. Hoffman—to the Committee on Invalid Pensions.

By Mr. KLEBERG: Petition of W. Westhoff and other leading stock raisers of De Witt County, Tex., for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. KNOX: Papers to accompany House bill No. 9297, to remove the charge of desertion now standing against William J. Dempsey—to the Committee on Military Affairs.

By Mr. McCALL: Petition of the First Baptist Church of Medford, Mass., asking for the prohibition of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

By Mr. McCLEARY: Resolutions of the Chamber of Commerce of Duluth, Minn., Ray T. Lewis, president, in relation to the hydrographic appropriation—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of a mass meeting at Walker, Minn., Daniel De Lury, secretary, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Minneapolis Trades and Labor Council, Harry M. Cohen, secretary, protesting against a proposed modification of the postal clerks' eight-hour law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petitions of M. L. Hessing and 60 other citizens of the State of Indiana, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. PHILLIPS: Petition of Warren W. H. Lawrence, to accompany House bill No. 9100, granting him a pension—to the Committee on Invalid Pensions.

By Mr. POLK: Paper to accompany House bill No. 7612, for the relief of Randolph Hayan—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of C. L. Horton, Luther N. Davis, and other citizens of Chenango County, N. Y., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Resolution of Grand Army of the Republic Post of New Haven, Ind., J. A. Crippen, commander, favoring the establishment of a branch soldiers' home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHATTUCK: Petition of the Fire and Marine Underwriters of Cincinnati, Ohio, praying for favorable consideration of House bill No. 6247, to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SPRAGUE: Protests of the Waverley Publishing Company; also of the Home Journal, of Boston, Mass., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New England Manufacturing Jewelers' Association, Providence, R. I., protesting against the confirmation of the treaty with France—to the Committee on Foreign Affairs.

Also, memorial of George R. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., favoring the passage of a bill to establish a branch soldiers' home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the granite manufacturers of New England, Boston, Mass., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. James McCarthy, of Boston, Mass., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. STARK: Resolutions of Company A, First Regiment, Company H, Second Regiment, National Guard, State of Nebraska, and Company B, Second Regiment Florida State Troops, urging the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. STEWART of Wisconsin: Petition of Wisconsin Retail Lumber Dealers' Association, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Ashland, Wis., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of C. G. Wimley and Samuel Shaw, publishers,

Crandon, Wis., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Paper to accompany House bill for the removal of the charge of desertion from the record of Lorenzo Dorritee, late of Company I, Third Maryland Volunteers—to the Committee on Military Affairs.

By Mr. WEEKS: Petitions of L. H. Howse, E. T. Woodruff, and M. B. Smith, of the State of Michigan, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of New York: Petition of E. & H. T. Anthony, of New York City, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, March 9, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SOUTH SIDE OF PENNSYLVANIA AVENUE.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 14th ultimo, a report of the board of assistant assessors of the District on the approximate value of the squares on the south side of Pennsylvania avenue from Fifteenth street to the Botanical Gardens, together with the rental values of the same; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

SCHOONER MARGARETTE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Margarette*, Crowell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1806) for the relief of W. W. Riley;

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 2637) granting an increase of pension to Albert Hammer; and

Joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Improved Order of Red Men, of Pitts Grove, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Daretown, the Methodist Episcopal Church of Burlington, the Woman's Christian Temperance Union of the Methodist Episcopal Church of Burlington, and of the Good Citizenship League of Burlington, all in the State of New Jersey, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the News, of Jersey City; the Union, of Jersey City; the Journal, of Orange; the Hunterdon County Democrat, of Flemington; the Sunday School Messenger, of Trenton; the Somerset Democrat, of Somerville, and the Freie Press, of Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of the Bulletin of the Pasteur Institute, of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail

matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 100, International Association of Machinists, of Amsterdam, N. Y., praying for the enactment of legislation to increase the salaries of machinists in the Government Printing Office at Washington, D. C.; which was referred to the Committee on Printing.

Mr. LODGE presented the petition of George Boyd, of Northampton, Mass., praying that he be relieved from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry letter carriers of Lowell, Mass., praying for the enactment of legislation to grade substitute letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 29 citizens of Massachusetts, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, immigrant stations, and all other Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit bookmaking of races in the District of Columbia and the Territories, and also to prohibit interstate-commerce gambling by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Jefferson Manufacturing Company, of Worcester; the Iron Foundry Company, of Boston; the Cobb & Drew Company, of Plymouth, and the Magee Furnace Company, of Boston, all in the State of Massachusetts, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of railway mail clerks of Boston, Winthrop, Cambridgeport, Stoneham, and Chicopee Falls, all in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Courant, the Coming Age, the Home Journal, the Granite, the American Whist Player, the Missionary Herald, Life and Light for Women, the News, the Christian Witness, Education, the Advance, and Our Dumb Animals, all of Boston, and of William A. Pierce, of Boston; the Kindergarten Review, of Springfield; the Waverly Magazine, the Cornerstone, of Woburn; the Herald, of Warren, and the Times, of East Cambridge, all in the State of Massachusetts, and a memorial of the Humboldt Library of Science, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of Company F, First Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of the Farmers' Institute, of Ord, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Federal Labor Union, No. 7112, of South Omaha, Nebr., remonstrating against the cession of the public lands to the several States and Territories; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a memorial of the News, of Norfolk, Nebr., and a memorial of the Western Medical Review, of Lincoln, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers in support of a bill to tax Indian lands; which were referred to the Committee on Indian Affairs.

Mr. DANIEL presented a memorial of Updyke and Munsey, of Mechanicsburg, Va., and the memorial of J. L. Cole, Joe Carney, J. M. Sutherland, and 26 other citizens of Virginia, remonstrating against the enactment of legislation to regulate the shipment of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Normal Index, the Ecce Homo, and the Home and School; the Observer, of Orange, and